

**Senator Wayne A. Harper** proposes the following substitute bill:

**UTAH COMMUNICATIONS AUTHORITY AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Stephen G. Handy

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions related to providing 911 emergency service.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ repeals an emergency services telecommunication charge;
- ▶ modifies the composition of the Utah Communications Authority Board;
- ▶ modifies the duties of the Utah Communications Authority;
- ▶ creates regional advisory committees that report to the Utah Communications Authority Board;
- ▶ creates an operations advisory committee;
- ▶ repeals certain provisions that gave the Utah Communications bonding authority;
- ▶ imposes certain charges on each access line within the state, and provides for the collection of the charges and the distribution of the proceeds of the charges;
- ▶ directs the State Tax Commission to distribute the proceeds of a 911 emergency service charge to public safety answering points within the state according to a formula based on a public safety answering point's proportion of total 911 emergency communications;



- 26           ▶ provides that a public agency may not establish a new public safety answering point
- 27 after a certain day;
- 28           ▶ directs the State Tax Commission to report on access line providers that are
- 29 delinquent in paying emergency service charges;
- 30           ▶ provides that the Utah Communications Authority may secure a bond by pledging a
- 31 state appropriation;
- 32           ▶ requires the Utah Communications Authority to meet with stakeholders to identify
- 33 existing communications sites and develop a plan for the public safety
- 34 communications network;
- 35           ▶ provides future repeal dates;
- 36           ▶ provides future effective dates;
- 37           ▶ designates appropriations from certain restricted accounts as nonlapsing;
- 38           ▶ repeals certain advisory committees within the Utah Communications Authority;
- 39           ▶ allows the Utah Communications Authority to assess a service fee on a user of the
- 40 public safety communications network;
- 41           ▶ requires the Utah Communications Authority to consult and receive approval to
- 42 issue bonds from the Utah State Treasurer under certain circumstances;
- 43           ▶ requires a county to conduct an audit of the county's emergency services under
- 44 certain circumstances; and
- 45           ▶ delegates, to the executive director of the Utah Communications Authority, certain
- 46 duties formerly assigned to divisions within the Utah Communications Authority.

47 **Money Appropriated in this Bill:**

48           None

49 **Other Special Clauses:**

50           This bill provides a special effective date.

51 **Utah Code Sections Affected:**

52 AMENDS:

53           **59-1-306**, as enacted by Laws of Utah 2011, Chapter 309

54           **59-1-401**, as last amended by Laws of Utah 2015, Chapter 369

55           **59-1-402**, as last amended by Laws of Utah 2012, Chapter 357

56           **59-1-403**, as last amended by Laws of Utah 2015, Chapters 411 and 451

- 57 [59-1-1402](#), as last amended by Laws of Utah 2016, Chapter 326
- 58 [59-12-107](#), as last amended by Laws of Utah 2012, Chapters 178, 312, and 399
- 59 [59-12-108](#), as last amended by Laws of Utah 2013, Chapter 50
- 60 [59-12-128](#), as last amended by Laws of Utah 2011, Chapters 285 and 309
- 61 [63H-7a-102](#), as renumbered and amended by Laws of Utah 2015, Chapter 411
- 62 [63H-7a-103](#), as last amended by Laws of Utah 2016, Chapter 179
- 63 [63H-7a-201](#), as renumbered and amended by Laws of Utah 2015, Chapter 411
- 64 [63H-7a-202](#), as renumbered and amended by Laws of Utah 2015, Chapter 411
- 65 [63H-7a-203](#), as last amended by Laws of Utah 2016, Chapter 123
- 66 [63H-7a-204](#), as last amended by Laws of Utah 2016, Chapters 123 and 179
- 67 [63H-7a-205](#), as last amended by Laws of Utah 2016, Chapter 123
- 68 [63H-7a-302](#), as last amended by Laws of Utah 2016, Chapters 123 and 179
- 69 [63H-7a-303](#), as renumbered and amended by Laws of Utah 2015, Chapter 411
- 70 [63H-7a-304](#), as renumbered and amended by Laws of Utah 2015, Chapter 411
- 71 [63H-7a-403](#), as last amended by Laws of Utah 2016, Chapter 123
- 72 [63H-7a-404](#), as enacted by Laws of Utah 2015, Chapter 411
- 73 [63H-7a-502](#), as last amended by Laws of Utah 2016, Chapters 123 and 179
- 74 [63H-7a-601](#), as enacted by Laws of Utah 2015, Chapter 411
- 75 [63H-7a-603](#), as last amended by Laws of Utah 2016, Chapter 348
- 76 [63H-7a-803](#), as last amended by Laws of Utah 2016, Chapter 123
- 77 [63I-1-269](#), as last amended by Laws of Utah 2014, Chapter 320
- 78 [63I-2-263](#), as last amended by Laws of Utah 2016, Third Special Session, Chapter 2
- 79 [63J-1-602.4](#), as last amended by Laws of Utah 2016, Chapters 193 and 240

80 ENACTS:

- 81 [63H-7a-207](#), Utah Code Annotated 1953
- 82 [63H-7a-208](#), Utah Code Annotated 1953
- 83 [63H-7a-209](#), Utah Code Annotated 1953
- 84 [69-2-202](#), Utah Code Annotated 1953
- 85 [69-2-203](#), Utah Code Annotated 1953
- 86 [69-2-301](#), Utah Code Annotated 1953
- 87 [69-2-302](#), Utah Code Annotated 1953

88 **69-2-401**, Utah Code Annotated 1953

89 **69-2-402**, Utah Code Annotated 1953

90 **69-2-404**, Utah Code Annotated 1953

91 RENUMBERS AND AMENDS:

92 **69-2-101**, (Renumbered from 69-2-1, as enacted by Laws of Utah 1986, Chapter 33)

93 **69-2-102**, (Renumbered from 69-2-2, as last amended by Laws of Utah 2016, Chapter  
94 179)

95 **69-2-201**, (Renumbered from 69-2-3, as last amended by Laws of Utah 2014, Chapter  
96 320)

97 **69-2-303**, (Renumbered from 69-2-5.8, as enacted by Laws of Utah 2012, Chapter 326)

98 **69-2-403**, (Renumbered from 69-2-5.6, as last amended by Laws of Utah 2016, Chapter  
99 179)

100 **69-2-405**, (Renumbered from 69-2-5.7, as last amended by Laws of Utah 2016, Chapter  
101 179)

102 **69-2-501**, (Renumbered from 69-2-6, as enacted by Laws of Utah 1986, Chapter 33)

103 **69-2-502**, (Renumbered from 69-2-7, as last amended by Laws of Utah 2015, Chapter  
104 411)

105 **69-2-503**, (Renumbered from 69-2-8, as last amended by Laws of Utah 2014, Chapter  
106 36)

107 REPEALS AND REENACTS:

108 **63H-7a-206**, as last amended by Laws of Utah 2016, Chapters 123 and 179

109 **63H-7a-602**, as renumbered and amended by Laws of Utah 2015, Chapter 411

110 **63H-7a-701**, as last amended by Laws of Utah 2016, Chapter 123

111 REPEALS:

112 **63H-7a-305**, as renumbered and amended by Laws of Utah 2015, Chapter 411

113 **63H-7a-306**, as renumbered and amended by Laws of Utah 2015, Chapter 411

114 **63H-7a-307**, as last amended by Laws of Utah 2016, Chapter 123

115 **63H-7a-405**, as last amended by Laws of Utah 2016, Chapter 123

116 **63H-7a-504**, as last amended by Laws of Utah 2016, Chapter 123

117 **63H-7a-700**, as enacted by Laws of Utah 2015, Chapter 411

118 **63H-7a-702**, as renumbered and amended by Laws of Utah 2015, Chapter 411

- 119 [63H-7a-703](#), as renumbered and amended by Laws of Utah 2015, Chapter 411
- 120 [63H-7a-704](#), as renumbered and amended by Laws of Utah 2015, Chapter 411
- 121 [63H-7a-705](#), as renumbered and amended by Laws of Utah 2015, Chapter 411
- 122 [63H-7a-706](#), as renumbered and amended by Laws of Utah 2015, Chapter 411
- 123 [69-2-4](#), as last amended by Laws of Utah 2014, Chapter 320
- 124 [69-2-5](#), as last amended by Laws of Utah 2016, Chapter 179
- 125 [69-2-5.5](#), as last amended by Laws of Utah 2016, Chapter 179

127 *Be it enacted by the Legislature of the state of Utah:*

128 Section 1. Section **59-1-306** is amended to read:

129 **59-1-306. Definition -- State Tax Commission Administrative Charge Account --**  
 130 **Amount of administrative charge -- Deposit of revenues into the restricted account --**  
 131 **Interest deposited into General Fund -- Expenditure of money deposited into the**  
 132 **restricted account.**

133 (1) As used in this section, "qualifying tax, fee, or charge" means a tax, fee, or charge  
134 the commission administers under:

- 135 ~~[(b)]~~ (a) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
- 136 ~~[(e)]~~ (b) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;
- 137 ~~[(d)]~~ (c) Section [19-6-714](#);
- 138 ~~[(e)]~~ (d) Section [19-6-805](#);
- 139 ~~[(a)]~~ (e) Chapter 12, Sales and Use Tax Act, other than a tax under Chapter 12, Part 1,
- 140 Tax Collection, or Chapter 12, Part 18, Additional State Sales and Use Tax Act;
- 141 (f) Section [59-27-105](#); or
- 142 ~~[(g)]~~ ~~Section [69-2-5](#);~~
- 143 ~~[(h)]~~ ~~Section [69-2-5.5](#); or]~~
- 144 ~~[(i)]~~ ~~Section [69-2-5.6](#);~~
- 145 (g) Title 69, Chapter 2, Part 4, 911 Emergency Service Charges.

146 (2) There is created a restricted account within the General Fund known as the "State  
147 Tax Commission Administrative Charge Account."

148 (3) Subject to the other provisions of this section, the restricted account shall consist of  
149 administrative charges the commission retains and deposits in accordance with this section.

150 (4) For purposes of this section, the administrative charge is a percentage of revenues  
151 the commission collects from each qualifying tax, fee, or charge of not to exceed the lesser of:

152 (a) 1.5%; or

153 (b) an equal percentage of revenues the commission collects from each qualifying tax,  
154 fee, or charge sufficient to cover the cost to the commission of administering the qualifying  
155 taxes, fees, or charges.

156 (5) The commission shall deposit an administrative charge into the restricted account.

157 (6) Interest earned on the restricted account shall be deposited into the General Fund.

158 (7) The commission shall expend money appropriated by the Legislature to the  
159 commission from the restricted account to administer qualifying taxes, fees, or charges.

160 Section 2. Section **59-1-401** is amended to read:

161 **59-1-401. Definitions -- Offenses and penalties -- Rulemaking authority -- Statute**  
162 **of limitations -- Commission authority to waive, reduce, or compromise penalty or**  
163 **interest.**

164 (1) As used in this section:

165 (a) "Activated tax, fee, or charge" means a tax, fee, or charge with respect to which the  
166 commission:

167 (i) has implemented the commission's GenTax system; and

168 (ii) at least 30 days before implementing the commission's GenTax system as described  
169 in Subsection (1)(a)(i), has provided notice in a conspicuous place on the commission's website  
170 stating:

171 (A) the date the commission will implement the GenTax system with respect to the tax,  
172 fee, or charge; and

173 (B) that, at the time the commission implements the GenTax system with respect to the  
174 tax, fee, or charge:

175 (I) a person that files a return after the due date as described in Subsection (2)(a) is  
176 subject to the penalty described in Subsection (2)(c)(ii); and

177 (II) a person that fails to pay the tax, fee, or charge as described in Subsection (3)(a) is  
178 subject to the penalty described in Subsection (3)(b)(ii).

179 (b) "Activation date for a tax, fee, or charge" means with respect to a tax, fee, or  
180 charge, the later of:

- 181 (i) the date on which the commission implements the commission's GenTax system  
182 with respect to the tax, fee, or charge; or
- 183 (ii) 30 days after the date the commission provides the notice described in Subsection  
184 (1)(a)(ii) with respect to the tax, fee, or charge.
- 185 (c) (i) Except as provided in Subsection (1)(c)(ii), "tax, fee, or charge" means:
- 186 (A) a tax, fee, or charge the commission administers under:
- 187 (I) this title;
- 188 (II) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
- 189 (III) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;
- 190 (IV) Section 19-6-410.5;
- 191 (V) Section 19-6-714;
- 192 (VI) Section 19-6-805;
- 193 (VII) Section 32B-2-304;
- 194 (VIII) Section 34A-2-202;
- 195 (IX) Section 40-6-14; or
- 196 [~~(X) Section 69-2-5;~~]
- 197 [~~(XI) Section 69-2-5.5; or~~]
- 198 [~~(XII) Section 69-2-5.6; or~~]
- 199 (X) Title 69, Chapter 2, Part 4, 911 Emergency Service Charges; or
- 200 (B) another amount that by statute is subject to a penalty imposed under this section.
- 201 (ii) "Tax, fee, or charge" does not include a tax, fee, or charge imposed under:
- 202 (A) Title 41, Chapter 1a, Motor Vehicle Act, except for Section 41-1a-301;
- 203 (B) Title 41, Chapter 3, Motor Vehicle Business Regulation Act;
- 204 (C) Chapter 2, Property Tax Act, except for Section 59-2-1309;
- 205 (D) Chapter 3, Tax Equivalent Property Act; or
- 206 (E) Chapter 4, Privilege Tax.
- 207 (d) "Unactivated tax, fee, or charge" means a tax, fee, or charge except for an activated  
208 tax, fee, or charge.
- 209 (2) (a) The due date for filing a return is:
- 210 (i) if the person filing the return is not allowed by law an extension of time for filing  
211 the return, the day on which the return is due as provided by law; or

212 (ii) if the person filing the return is allowed by law an extension of time for filing the  
213 return, the earlier of:  
214 (A) the date the person files the return; or  
215 (B) the last day of that extension of time as allowed by law.  
216 (b) A penalty in the amount described in Subsection (2)(c) is imposed if a person files a  
217 return after the due date described in Subsection (2)(a).  
218 (c) For purposes of Subsection (2)(b), the penalty is an amount equal to the greater of:  
219 (i) if the return described in Subsection (2)(b) is filed with respect to an unactivated  
220 tax, fee, or charge:  
221 (A) \$20; or  
222 (B) 10% of the unpaid unactivated tax, fee, or charge due on the return; or  
223 (ii) if the return described in Subsection (2)(b) is filed with respect to an activated tax,  
224 fee, or charge, beginning on the activation date for the tax, fee, or charge:  
225 (A) \$20; or  
226 (B) (I) 2% of the unpaid activated tax, fee, or charge due on the return if the return is  
227 filed no later than five days after the due date described in Subsection (2)(a);  
228 (II) 5% of the unpaid activated tax, fee, or charge due on the return if the return is filed  
229 more than five days after the due date but no later than 15 days after the due date described in  
230 Subsection (2)(a); or  
231 (III) 10% of the unpaid activated tax, fee, or charge due on the return if the return is  
232 filed more than 15 days after the due date described in Subsection (2)(a).  
233 (d) This Subsection (2) does not apply to:  
234 (i) an amended return; or  
235 (ii) a return with no tax due.  
236 (3) (a) A person is subject to a penalty for failure to pay a tax, fee, or charge if:  
237 (i) the person files a return on or before the due date for filing a return described in  
238 Subsection (2)(a), but fails to pay the tax, fee, or charge due on the return on or before that due  
239 date;  
240 (ii) the person:  
241 (A) is subject to a penalty under Subsection (2)(b); and  
242 (B) fails to pay the tax, fee, or charge due on a return within a 90-day period after the

243 due date for filing a return described in Subsection (2)(a);  
244 (iii) (A) the person is subject to a penalty under Subsection (2)(b); and  
245 (B) the commission estimates an amount of tax due for that person in accordance with  
246 Subsection 59-1-1406(2);  
247 (iv) the person:  
248 (A) is mailed a notice of deficiency; and  
249 (B) within a 30-day period after the day on which the notice of deficiency described in  
250 Subsection (3)(a)(iv)(A) is mailed:  
251 (I) does not file a petition for redetermination or a request for agency action; and  
252 (II) fails to pay the tax, fee, or charge due on a return;  
253 (v) (A) the commission:  
254 (I) issues an order constituting final agency action resulting from a timely filed petition  
255 for redetermination or a timely filed request for agency action; or  
256 (II) is considered to have denied a request for reconsideration under Subsection  
257 63G-4-302(3)(b) resulting from a timely filed petition for redetermination or a timely filed  
258 request for agency action; and  
259 (B) the person fails to pay the tax, fee, or charge due on a return within a 30-day period  
260 after the date the commission:  
261 (I) issues the order constituting final agency action described in Subsection  
262 (3)(a)(v)(A)(I); or  
263 (II) is considered to have denied the request for reconsideration described in  
264 Subsection (3)(a)(v)(A)(II); or  
265 (vi) the person fails to pay the tax, fee, or charge within a 30-day period after the date  
266 of a final judicial decision resulting from a timely filed petition for judicial review.  
267 (b) For purposes of Subsection (3)(a), the penalty is an amount equal to the greater of:  
268 (i) if the failure to pay a tax, fee, or charge as described in Subsection (3)(a) is with  
269 respect to an unactivated tax, fee, or charge:  
270 (A) \$20; or  
271 (B) 10% of the unpaid unactivated tax, fee, or charge due on the return; or  
272 (ii) if the failure to pay a tax, fee, or charge as described in Subsection (3)(a) is with  
273 respect to an activated tax, fee, or charge, beginning on the activation date:

274 (A) \$20; or

275 (B) (I) 2% of the unpaid activated tax, fee, or charge due on the return if the activated  
276 tax, fee, or charge due on the return is paid no later than five days after the due date for filing a  
277 return described in Subsection (2)(a);

278 (II) 5% of the unpaid activated tax, fee, or charge due on the return if the activated tax,  
279 fee, or charge due on the return is paid more than five days after the due date for filing a return  
280 described in Subsection (2)(a) but no later than 15 days after that due date; or

281 (III) 10% of the unpaid activated tax, fee, or charge due on the return if the activated  
282 tax, fee, or charge due on the return is paid more than 15 days after the due date for filing a  
283 return described in Subsection (2)(a).

284 (4) (a) Beginning January 1, 1995, in the case of any underpayment of estimated tax or  
285 quarterly installments required by Sections 59-5-107, 59-5-207, 59-7-504, and 59-9-104, there  
286 shall be added a penalty in an amount determined by applying the interest rate provided under  
287 Section 59-1-402 plus four percentage points to the amount of the underpayment for the period  
288 of the underpayment.

289 (b) (i) For purposes of Subsection (4)(a), the amount of the underpayment shall be the  
290 excess of the required installment over the amount, if any, of the installment paid on or before  
291 the due date for the installment.

292 (ii) The period of the underpayment shall run from the due date for the installment to  
293 whichever of the following dates is the earlier:

294 (A) the original due date of the tax return, without extensions, for the taxable year; or

295 (B) with respect to any portion of the underpayment, the date on which that portion is  
296 paid.

297 (iii) For purposes of this Subsection (4), a payment of estimated tax shall be credited  
298 against unpaid required installments in the order in which the installments are required to be  
299 paid.

300 (5) (a) Notwithstanding Subsection (2) and except as provided in Subsection (6), a  
301 person allowed by law an extension of time for filing a corporate franchise or income tax return  
302 under Chapter 7, Corporate Franchise and Income Taxes, or an individual income tax return  
303 under Chapter 10, Individual Income Tax Act, is subject to a penalty in the amount described in  
304 Subsection (5)(b) if, on or before the day on which the return is due as provided by law, not

305 including the extension of time, the person fails to pay:

306 (i) for a person filing a corporate franchise or income tax return under Chapter 7,  
307 Corporate Franchise and Income Taxes, the payment required by Subsection 59-7-507(1)(b); or

308 (ii) for a person filing an individual income tax return under Chapter 10, Individual  
309 Income Tax Act, the payment required by Subsection 59-10-516(2).

310 (b) For purposes of Subsection (5)(a), the penalty per month during the period of the  
311 extension of time for filing the return is an amount equal to 2% of the tax due on the return,  
312 unpaid as of the day on which the return is due as provided by law.

313 (6) If a person does not file a return within an extension of time allowed by Section  
314 59-7-505 or 59-10-516, the person:

315 (a) is not subject to a penalty in the amount described in Subsection (5)(b); and

316 (b) is subject to a penalty in an amount equal to the sum of:

317 (i) a late file penalty in an amount equal to the greater of:

318 (A) \$20; or

319 (B) 10% of the tax due on the return, unpaid as of the day on which the return is due as  
320 provided by law, not including the extension of time; and

321 (ii) a late pay penalty in an amount equal to the greater of:

322 (A) \$20; or

323 (B) 10% of the unpaid tax due on the return, unpaid as of the day on which the return is  
324 due as provided by law, not including the extension of time.

325 (7) (a) Additional penalties for an underpayment of a tax, fee, or charge are as provided  
326 in this Subsection (7)(a).

327 (i) Except as provided in Subsection (7)(c), if any portion of an underpayment of a tax,  
328 fee, or charge is due to negligence, the penalty is 10% of the portion of the underpayment that  
329 is due to negligence.

330 (ii) Except as provided in Subsection (7)(d), if any portion of an underpayment of a  
331 tax, fee, or charge is due to intentional disregard of law or rule, the penalty is 15% of the entire  
332 underpayment.

333 (iii) If any portion of an underpayment is due to an intent to evade a tax, fee, or charge,  
334 the penalty is the greater of \$500 per period or 50% of the entire underpayment.

335 (iv) If any portion of an underpayment is due to fraud with intent to evade a tax, fee, or

336 charge, the penalty is the greater of \$500 per period or 100% of the entire underpayment.

337 (b) If the commission determines that a person is liable for a penalty imposed under  
338 Subsection (7)(a)(ii), (iii), or (iv), the commission shall notify the person of the proposed  
339 penalty.

340 (i) The notice of proposed penalty shall:

341 (A) set forth the basis of the assessment; and

342 (B) be mailed by certified mail, postage prepaid, to the person's last-known address.

343 (ii) Upon receipt of the notice of proposed penalty, the person against whom the  
344 penalty is proposed may:

345 (A) pay the amount of the proposed penalty at the place and time stated in the notice;

346 or

347 (B) proceed in accordance with the review procedures of Subsection (7)(b)(iii).

348 (iii) A person against whom a penalty is proposed in accordance with this Subsection  
349 (7) may contest the proposed penalty by filing a petition for an adjudicative proceeding with  
350 the commission.

351 (iv) (A) If the commission determines that a person is liable for a penalty under this  
352 Subsection (7), the commission shall assess the penalty and give notice and demand for  
353 payment.

354 (B) The commission shall mail the notice and demand for payment described in  
355 Subsection (7)(b)(iv)(A):

356 (I) to the person's last-known address; and

357 (II) in accordance with Section [59-1-1404](#).

358 (c) A seller that voluntarily collects a tax under Subsection [59-12-107\(2\)\(d\)](#) is not  
359 subject to the penalty under Subsection (7)(a)(i) if on or after July 1, 2001:

360 (i) a court of competent jurisdiction issues a final unappealable judgment or order  
361 determining that:

362 (A) the seller meets one or more of the criteria described in Subsection [59-12-107\(2\)\(a\)](#)

363 or is a seller required to pay or collect and remit sales and use taxes under Subsection

364 [59-12-107\(2\)\(b\)](#); and

365 (B) the commission or a county, city, or town may require the seller to collect a tax  
366 under Subsections [59-12-103\(2\)\(a\)](#) through (d); or

367 (ii) the commission issues a final unappealable administrative order determining that:

368 (A) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)  
369 or is a seller required to pay or collect and remit sales and use taxes under Subsection  
370 59-12-107(2)(b); and

371 (B) the commission or a county, city, or town may require the seller to collect a tax  
372 under Subsections 59-12-103(2)(a) through (d).

373 (d) A seller that voluntarily collects a tax under Subsection 59-12-107(2)(d) is not  
374 subject to the penalty under Subsection (7)(a)(ii) if:

375 (i) (A) a court of competent jurisdiction issues a final unappealable judgment or order  
376 determining that:

377 (I) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)  
378 or is a seller required to pay or collect and remit sales and use taxes under Subsection  
379 59-12-107(2)(b); and

380 (II) the commission or a county, city, or town may require the seller to collect a tax  
381 under Subsections 59-12-103(2)(a) through (d); or

382 (B) the commission issues a final unappealable administrative order determining that:

383 (I) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)  
384 or is a seller required to pay or collect and remit sales and use taxes under Subsection  
385 59-12-107(2)(b); and

386 (II) the commission or a county, city, or town may require the seller to collect a tax  
387 under Subsections 59-12-103(2)(a) through (d); and

388 (ii) the seller's intentional disregard of law or rule is warranted by existing law or by a  
389 nonfrivolous argument for the extension, modification, or reversal of existing law or the  
390 establishment of new law.

391 (8) (a) Subject to Subsections (8)(b) and (c), the penalty for failure to file an  
392 information return, information report, or a complete supporting schedule is \$50 for each  
393 information return, information report, or supporting schedule up to a maximum of \$1,000.

394 (b) If an employer is subject to a penalty under Subsection (13), the employer may not  
395 be subject to a penalty under Subsection (8)(a).

396 (c) If an employer is subject to a penalty under this Subsection (8) for failure to file a  
397 return in accordance with Subsection 59-10-406(3) on or before the due date described in

398 Subsection 59-10-406(3)(b)(ii), the commission may not impose a penalty under this  
399 Subsection (8) unless the return is filed more than 14 days after the due date described in  
400 Subsection 59-10-406(3)(b)(ii).

401 (9) If a person, in furtherance of a frivolous position, has a prima facie intent to delay  
402 or impede administration of a law relating to a tax, fee, or charge and files a purported return  
403 that fails to contain information from which the correctness of reported tax, fee, or charge  
404 liability can be determined or that clearly indicates that the tax, fee, or charge liability shown is  
405 substantially incorrect, the penalty is \$500.

406 (10) (a) A seller that fails to remit a tax, fee, or charge monthly as required by  
407 Subsection 59-12-108(1)(a):

408 (i) is subject to a penalty described in Subsection (2); and

409 (ii) may not retain the percentage of sales and use taxes that would otherwise be  
410 allowable under Subsection 59-12-108(2).

411 (b) A seller that fails to remit a tax, fee, or charge by electronic funds transfer as  
412 required by Subsection 59-12-108(1)(a)(ii)(B):

413 (i) is subject to a penalty described in Subsection (2); and

414 (ii) may not retain the percentage of sales and use taxes that would otherwise be  
415 allowable under Subsection 59-12-108(2).

416 (11) (a) A person is subject to the penalty provided in Subsection (11)(c) if that person:

417 (i) commits an act described in Subsection (11)(b) with respect to one or more of the  
418 following documents:

419 (A) a return;

420 (B) an affidavit;

421 (C) a claim; or

422 (D) a document similar to Subsections (11)(a)(i)(A) through (C);

423 (ii) knows or has reason to believe that the document described in Subsection (11)(a)(i)  
424 will be used in connection with any material matter administered by the commission; and

425 (iii) knows that the document described in Subsection (11)(a)(i), if used in connection  
426 with any material matter administered by the commission, would result in an understatement of  
427 another person's liability for a tax, fee, or charge.

428 (b) The following acts apply to Subsection (11)(a)(i):

- 429 (i) preparing any portion of a document described in Subsection (11)(a)(i);  
430 (ii) presenting any portion of a document described in Subsection (11)(a)(i);  
431 (iii) procuring any portion of a document described in Subsection (11)(a)(i);  
432 (iv) advising in the preparation or presentation of any portion of a document described  
433 in Subsection (11)(a)(i);  
434 (v) aiding in the preparation or presentation of any portion of a document described in  
435 Subsection (11)(a)(i);  
436 (vi) assisting in the preparation or presentation of any portion of a document described  
437 in Subsection (11)(a)(i); or  
438 (vii) counseling in the preparation or presentation of any portion of a document  
439 described in Subsection (11)(a)(i).
- 440 (c) For purposes of Subsection (11)(a), the penalty:  
441 (i) shall be imposed by the commission;  
442 (ii) is \$500 for each document described in Subsection (11)(a)(i) with respect to which  
443 the person described in Subsection (11)(a) meets the requirements of Subsection (11)(a); and  
444 (iii) is in addition to any other penalty provided by law.
- 445 (d) The commission may seek a court order to enjoin a person from engaging in  
446 conduct that is subject to a penalty under this Subsection (11).
- 447 (e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
448 commission may make rules prescribing the documents that are similar to Subsections  
449 (11)(a)(i)(A) through (C).
- 450 (12) (a) As provided in Section [76-8-1101](#), criminal offenses and penalties are as  
451 provided in Subsections (12)(b) through (e).
- 452 (b) (i) A person who is required by this title or any laws the commission administers or  
453 regulates to register with or obtain a license or permit from the commission, who operates  
454 without having registered or secured a license or permit, or who operates when the registration,  
455 license, or permit is expired or not current, is guilty of a class B misdemeanor.
- 456 (ii) Notwithstanding Section [76-3-301](#), for purposes of Subsection (12)(b)(i), the  
457 penalty may not:  
458 (A) be less than \$500; or  
459 (B) exceed \$1,000.

460 (c) (i) With respect to a tax, fee, or charge, a person who knowingly and intentionally,  
461 and without a reasonable good faith basis, fails to make, render, sign, or verify a return within  
462 the time required by law or to supply information within the time required by law, or who  
463 makes, renders, signs, or verifies a false or fraudulent return or statement, or who supplies false  
464 or fraudulent information, is guilty of a third degree felony.

465 (ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(c)(i), the  
466 penalty may not:

467 (A) be less than \$1,000; or

468 (B) exceed \$5,000.

469 (d) (i) A person who intentionally or willfully attempts to evade or defeat a tax, fee, or  
470 charge or the payment of a tax, fee, or charge is, in addition to other penalties provided by law,  
471 guilty of a second degree felony.

472 (ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(d)(i), the  
473 penalty may not:

474 (A) be less than \$1,500; or

475 (B) exceed \$25,000.

476 (e) (i) A person is guilty of a second degree felony if that person commits an act:

477 (A) described in Subsection (12)(e)(ii) with respect to one or more of the following  
478 documents:

479 (I) a return;

480 (II) an affidavit;

481 (III) a claim; or

482 (IV) a document similar to Subsections (12)(e)(i)(A)(I) through (III); and

483 (B) subject to Subsection (12)(e)(iii), with knowledge that the document described in  
484 Subsection (12)(e)(i)(A):

485 (I) is false or fraudulent as to any material matter; and

486 (II) could be used in connection with any material matter administered by the  
487 commission.

488 (ii) The following acts apply to Subsection (12)(e)(i):

489 (A) preparing any portion of a document described in Subsection (12)(e)(i)(A);

490 (B) presenting any portion of a document described in Subsection (12)(e)(i)(A);

491 (C) procuring any portion of a document described in Subsection (12)(e)(i)(A);

492 (D) advising in the preparation or presentation of any portion of a document described  
493 in Subsection (12)(e)(i)(A);

494 (E) aiding in the preparation or presentation of any portion of a document described in  
495 Subsection (12)(e)(i)(A);

496 (F) assisting in the preparation or presentation of any portion of a document described  
497 in Subsection (12)(e)(i)(A); or

498 (G) counseling in the preparation or presentation of any portion of a document  
499 described in Subsection (12)(e)(i)(A).

500 (iii) This Subsection (12)(e) applies:

501 (A) regardless of whether the person for which the document described in Subsection  
502 (12)(e)(i)(A) is prepared or presented:

503 (I) knew of the falsity of the document described in Subsection (12)(e)(i)(A); or

504 (II) consented to the falsity of the document described in Subsection (12)(e)(i)(A); and

505 (B) in addition to any other penalty provided by law.

506 (iv) Notwithstanding Section [76-3-301](#), for purposes of this Subsection (12)(e), the  
507 penalty may not:

508 (A) be less than \$1,500; or

509 (B) exceed \$25,000.

510 (v) The commission may seek a court order to enjoin a person from engaging in  
511 conduct that is subject to a penalty under this Subsection (12)(e).

512 (vi) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
513 the commission may make rules prescribing the documents that are similar to Subsections  
514 (12)(e)(i)(A)(I) through (III).

515 (f) The statute of limitations for prosecution for a violation of this Subsection (12) is  
516 the later of six years:

517 (i) from the date the tax should have been remitted; or

518 (ii) after the day on which the person commits the criminal offense.

519 (13) (a) Subject to Subsection (13)(b), an employer that is required to file a form with  
520 the commission in accordance with Subsection [59-10-406\(8\)](#) is subject to a penalty described  
521 in Subsection (13)(b) if the employer:

522 (i) fails to file the form with the commission in an electronic format approved by the  
523 commission as required by Subsection 59-10-406(8);

524 (ii) fails to file the form on or before the due date provided in Subsection 59-10-406(8);

525 (iii) fails to provide accurate information on the form; or

526 (iv) fails to provide all of the information required by the Internal Revenue Service to  
527 be contained on the form.

528 (b) For purposes of Subsection (13)(a), the penalty is:

529 (i) \$30 per form, not to exceed \$75,000 in a calendar year, if the employer files the  
530 form in accordance with Subsection 59-10-406(8), more than 14 days after the due date  
531 provided in Subsection 59-10-406(8) but no later than 30 days after the due date provided in  
532 Subsection 59-10-406(8);

533 (ii) \$60 per form, not to exceed \$200,000 in a calendar year, if the employer files the  
534 form in accordance with Subsection 59-10-406(8), more than 30 days after the due date  
535 provided in Subsection 59-10-406(8) but on or before June 1; or

536 (iii) \$100 per form, not to exceed \$500,000 in a calendar year, if the employer:

537 (A) files the form in accordance with Subsection 59-10-406(8) after June 1; or

538 (B) fails to file the form.

539 (14) Upon making a record of its actions, and upon reasonable cause shown, the  
540 commission may waive, reduce, or compromise any of the penalties or interest imposed under  
541 this part.

542 Section 3. Section 59-1-402 is amended to read:

543 **59-1-402. Definitions -- Interest.**

544 (1) As used in this section:

545 (a) "Final judicial decision" means a final ruling by a court of this state or the United  
546 States for which the time for any further review or proceeding has expired.

547 (b) "Retroactive application of a judicial decision" means the application of a final  
548 judicial decision that:

549 (i) invalidates a state or federal taxation statute; and

550 (ii) requires the state to provide a refund for an overpayment that was made:

551 (A) prior to the final judicial decision; or

552 (B) during the 180-day period after the final judicial decision.

- 553 (c) (i) Except as provided in Subsection (1)(c)(ii), "tax, fee, or charge" means:
- 554 (A) a tax, fee, or charge the commission administers under:
- 555 (I) this title;
- 556 (II) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
- 557 (III) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;
- 558 (IV) Section 19-6-410.5;
- 559 (V) Section 19-6-714;
- 560 (VI) Section 19-6-805;
- 561 (VII) Section 32B-2-304;
- 562 (VIII) Section 34A-2-202;
- 563 (IX) Section 40-6-14; or
- 564 [~~(X) Section 69-2-5;~~]
- 565 [~~(XI) Section 69-2-5.5; or~~]
- 566 [~~(XII) Section 69-2-5.6; or~~]
- 567 (X) Title 69, Chapter 2, Part 4, 911 Emergency Service Charges; or
- 568 (B) another amount that by statute is subject to interest imposed under this section.
- 569 (ii) "Tax, fee, or charge" does not include a tax, fee, or charge imposed under:
- 570 (A) Title 41, Chapter 1a, Motor Vehicle Act, except for Section 41-1a-301;
- 571 (B) Title 41, Chapter 3, Motor Vehicle Business Regulation Act;
- 572 (C) Chapter 2, Property Tax Act, except for Section 59-2-1309;
- 573 (D) Chapter 3, Tax Equivalent Property Act;
- 574 (E) Chapter 4, Privilege Tax; or
- 575 (F) Chapter 13, Part 5, Interstate Agreements.
- 576 (2) Except as otherwise provided for by law, the interest rate for a calendar year for a
- 577 tax, fee, or charge administered by the commission shall be calculated based on the federal
- 578 short-term rate determined by the Secretary of the Treasury under Section 6621, Internal
- 579 Revenue Code, in effect for the preceding fourth calendar quarter.
- 580 (3) The interest rate calculation shall be as follows:
- 581 (a) except as provided in Subsection (7), in the case of an overpayment or refund,
- 582 simple interest shall be calculated at the rate of two percentage points above the federal
- 583 short-term rate; or

584 (b) in the case of an underpayment, deficiency, or delinquency, simple interest shall be  
585 calculated at the rate of two percentage points above the federal short-term rate.

586 (4) Notwithstanding Subsection (2) or (3), the interest rate applicable to certain  
587 installment sales for purposes of a tax under Chapter 7, Corporate Franchise and Income Taxes,  
588 shall be determined in accordance with Section 453A, Internal Revenue Code, as provided in  
589 Section 59-7-112.

590 (5) (a) Except as provided in Subsection (5)(c), interest may not be allowed on an  
591 overpayment of a tax, fee, or charge if the overpayment of the tax, fee, or charge is refunded  
592 within:

593 (i) 45 days after the last date prescribed for filing the return with respect to a tax under  
594 Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act,  
595 if the return is filed electronically; or

596 (ii) 90 days after the last date prescribed for filing the return:

597 (A) with respect to a tax, fee, or charge, except for a tax under Chapter 7, Corporate  
598 Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act; or

599 (B) if the return is not filed electronically.

600 (b) Except as provided in Subsection (5)(c), if the return is filed after the last date  
601 prescribed for filing the return, interest may not be allowed on the overpayment if the  
602 overpayment is refunded within:

603 (i) 45 days after the date the return is filed:

604 (A) with respect to a tax under Chapter 7, Corporate Franchise and Income Taxes, or  
605 Chapter 10, Individual Income Tax Act; and

606 (B) if the return is filed electronically; or

607 (ii) 90 days after the date the return is filed:

608 (A) with respect to a tax, fee, or charge, except for a tax under Chapter 7, Corporate  
609 Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act; or

610 (B) if the return is not filed electronically.

611 (c) (i) In the case of an amended return, interest on an overpayment shall be allowed:

612 (A) for a time period:

613 (I) that begins on the later of:

614 (Aa) the date the original return was filed; or

615 (Bb) the due date for filing the original return not including any extensions for filing  
616 the original return; and

617 (II) that ends on the date the commission receives the amended return; and

618 (B) if the commission does not make a refund of an overpayment under this Subsection  
619 (5)(c):

620 (I) if the amended return is with respect to a tax under Chapter 7, Corporate Franchise  
621 and Income Taxes, or Chapter 10, Individual Income Tax Act, and is filed electronically,  
622 within a 45-day period after the date the commission receives the amended return, for a time  
623 period:

624 (Aa) that begins 46 days after the commission receives the amended return; and

625 (Bb) subject to Subsection (5)(c)(ii), that ends on the date that the commission  
626 completes processing the refund of the overpayment; or

627 (II) if the amended return is with respect to a tax, fee, or charge except for a tax under  
628 Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act,  
629 or is not filed electronically, within a 90-day period after the date the commission receives the  
630 amended return, for a time period:

631 (Aa) that begins 91 days after the commission receives the amended return; and

632 (Bb) subject to Subsection (5)(c)(ii), that ends on the date that the commission  
633 completes processing the refund of the overpayment.

634 (ii) For purposes of Subsection (5)(c)(i)(B)(I)(Bb) or (5)(c)(i)(B)(II)(Bb), interest shall  
635 be calculated forward from the preparation date of the refund document to allow for  
636 processing.

637 (6) Interest on any underpayment, deficiency, or delinquency of a tax, fee, or charge  
638 shall be computed from the time the original return is due, excluding any filing or payment  
639 extensions, to the date the payment is received.

640 (7) Interest on a refund relating to a tax, fee, or charge may not be paid on any  
641 overpayment that arises from a statute that is determined to be invalid under state or federal  
642 law or declared unconstitutional under the constitution of the United States or Utah if the basis  
643 for the refund is the retroactive application of a judicial decision upholding the claim of  
644 unconstitutionality or the invalidation of a statute.

645 Section 4. Section **59-1-403** is amended to read:

646 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

647 (1) (a) Any of the following may not divulge or make known in any manner any  
648 information gained by that person from any return filed with the commission:

649 (i) a tax commissioner;

650 (ii) an agent, clerk, or other officer or employee of the commission; or

651 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or  
652 town.

653 (b) An official charged with the custody of a return filed with the commission is not  
654 required to produce the return or evidence of anything contained in the return in any action or  
655 proceeding in any court, except:

656 (i) in accordance with judicial order;

657 (ii) on behalf of the commission in any action or proceeding under:

658 (A) this title; or

659 (B) other law under which persons are required to file returns with the commission;

660 (iii) on behalf of the commission in any action or proceeding to which the commission  
661 is a party; or

662 (iv) on behalf of any party to any action or proceeding under this title if the report or  
663 facts shown by the return are directly involved in the action or proceeding.

664 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may  
665 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically  
666 pertinent to the action or proceeding.

667 (2) This section does not prohibit:

668 (a) a person or that person's duly authorized representative from receiving a copy of  
669 any return or report filed in connection with that person's own tax;

670 (b) the publication of statistics as long as the statistics are classified to prevent the  
671 identification of particular reports or returns; and

672 (c) the inspection by the attorney general or other legal representative of the state of the  
673 report or return of any taxpayer:

674 (i) who brings action to set aside or review a tax based on the report or return;

675 (ii) against whom an action or proceeding is contemplated or has been instituted under  
676 this title; or

677 (iii) against whom the state has an unsatisfied money judgment.

678 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the  
679 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative  
680 Rulemaking Act, provide for a reciprocal exchange of information with:

681 (i) the United States Internal Revenue Service; or

682 (ii) the revenue service of any other state.

683 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
684 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,  
685 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and  
686 other written statements with the federal government, any other state, any of the political  
687 subdivisions of another state, or any political subdivision of this state, except as limited by  
688 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal  
689 government grant substantially similar privileges to this state.

690 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
691 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,  
692 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the  
693 identity and other information of taxpayers who have failed to file tax returns or to pay any tax  
694 due.

695 (d) Notwithstanding Subsection (1), the commission shall provide to the director of the  
696 Division of Environmental Response and Remediation, as defined in Section 19-6-402, as  
697 requested by the director of the Division of Environmental Response and Remediation, any  
698 records, returns, or other information filed with the commission under Chapter 13, Motor and  
699 Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program  
700 participation fee.

701 (e) Notwithstanding Subsection (1), at the request of any person the commission shall  
702 provide that person sales and purchase volume data reported to the commission on a report,  
703 return, or other information filed with the commission under:

704 (i) Chapter 13, Part 2, Motor Fuel; or

705 (ii) Chapter 13, Part 4, Aviation Fuel.

706 (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,  
707 as defined in Section 59-22-202, the commission shall report to the manufacturer:

708 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
709 manufacturer and reported to the commission for the previous calendar year under Section  
710 59-14-407; and

711 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
712 manufacturer for which a tax refund was granted during the previous calendar year under  
713 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

714 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,  
715 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited  
716 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

717 (h) Notwithstanding Subsection (1), the commission may:

718 (i) provide to the Division of Consumer Protection within the Department of  
719 Commerce and the attorney general data:

720 (A) reported to the commission under Section 59-14-212; or

721 (B) related to a violation under Section 59-14-211; and

722 (ii) upon request, provide to any person data reported to the commission under  
723 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

724 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee  
725 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of  
726 Management and Budget, provide to the committee or office the total amount of revenues  
727 collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the  
728 time period specified by the committee or office.

729 (j) Notwithstanding Subsection (1), the commission shall make the directory required  
730 by Section 59-14-603 available for public inspection.

731 (k) Notwithstanding Subsection (1), the commission may share information with  
732 federal, state, or local agencies as provided in Subsection 59-14-606(3).

733 (l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of  
734 Recovery Services within the Department of Human Services any relevant information  
735 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer  
736 who has become obligated to the Office of Recovery Services.

737 (ii) The information described in Subsection (3)(l)(i) may be provided by the Office of  
738 Recovery Services to any other state's child support collection agency involved in enforcing

739 that support obligation.

740 (m) (i) Notwithstanding Subsection (1), upon request from the state court  
741 administrator, the commission shall provide to the state court administrator, the name, address,  
742 telephone number, county of residence, and Social Security number on resident returns filed  
743 under Chapter 10, Individual Income Tax Act.

744 (ii) The state court administrator may use the information described in Subsection  
745 (3)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.

746 (n) Notwithstanding Subsection (1), the commission shall at the request of a  
747 committee, commission, or task force of the Legislature provide to the committee, commission,  
748 or task force of the Legislature any information relating to a tax imposed under Chapter 9,  
749 Taxation of Admitted Insurers, relating to the study required by Section 59-9-101.

750 (o) (i) As used in this Subsection (3)(o), "office" means the:

751 (A) Office of the Legislative Fiscal Analyst; or

752 (B) Office of Legislative Research and General Counsel.

753 (ii) Notwithstanding Subsection (1) and except as provided in Subsection (3)(o)(iii),  
754 the commission shall at the request of an office provide to the office all information:

755 (A) gained by the commission; and

756 (B) required to be attached to or included in returns filed with the commission.

757 (iii) (A) An office may not request and the commission may not provide to an office a  
758 person's:

759 (I) address;

760 (II) name;

761 (III) Social Security number; or

762 (IV) taxpayer identification number.

763 (B) The commission shall in all instances protect the privacy of a person as required by  
764 Subsection (3)(o)(iii)(A).

765 (iv) An office may provide information received from the commission in accordance  
766 with this Subsection (3)(o) only:

767 (A) as:

768 (I) a fiscal estimate;

769 (II) fiscal note information; or

770 (III) statistical information; and  
771 (B) if the information is classified to prevent the identification of a particular return.  
772 (v) (A) A person may not request information from an office under Title 63G, Chapter  
773 2, Government Records Access and Management Act, or this section, if that office received the  
774 information from the commission in accordance with this Subsection (3)(o).  
775 (B) An office may not provide to a person that requests information in accordance with  
776 Subsection (3)(o)(v)(A) any information other than the information the office provides in  
777 accordance with Subsection (3)(o)(iv).  
778 (p) Notwithstanding Subsection (1), the commission may provide to the governing  
779 board of the agreement or a taxing official of another state, the District of Columbia, the United  
780 States, or a territory of the United States:  
781 (i) the following relating to an agreement sales and use tax:  
782 (A) information contained in a return filed with the commission;  
783 (B) information contained in a report filed with the commission;  
784 (C) a schedule related to Subsection (3)(p)(i)(A) or (B); or  
785 (D) a document filed with the commission; or  
786 (ii) a report of an audit or investigation made with respect to an agreement sales and  
787 use tax.  
788 (q) Notwithstanding Subsection (1), the commission may provide information  
789 concerning a taxpayer's state income tax return or state income tax withholding information to  
790 the Driver License Division if the Driver License Division:  
791 (i) requests the information; and  
792 (ii) provides the commission with a signed release form from the taxpayer allowing the  
793 Driver License Division access to the information.  
794 (r) Notwithstanding Subsection (1), the commission shall provide to the Utah  
795 Communications Authority, or a division of the Utah Communications Authority, the  
796 information requested by the authority under Sections [63H-7a-302](#), [63H-7a-402](#), and  
797 [63H-7a-502](#).  
798 (s) Notwithstanding Subsection (1), the commission shall provide to the Utah  
799 Educational Savings Plan information related to a resident or nonresident individual's  
800 contribution to a Utah Educational Savings Plan account as designated on the resident or

801 nonresident's individual income tax return as provided under Section 59-10-1313.

802 (t) Notwithstanding Subsection (1), for the purpose of verifying eligibility under  
803 Sections 26-18-2.5 and 26-40-105, the commission shall provide an eligibility worker with the  
804 Department of Health or its designee with the adjusted gross income of an individual if:

805 (i) an eligibility worker with the Department of Health or its designee requests the  
806 information from the commission; and

807 (ii) the eligibility worker has complied with the identity verification and consent  
808 provisions of Sections 26-18-2.5 and 26-40-105.

809 (u) Notwithstanding Subsection (1), the commission may provide to a county, as  
810 determined by the commission, information declared on an individual income tax return in  
811 accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption  
812 authorized under Section 59-2-103.

813 (v) Notwithstanding Subsection (1), the commission shall provide a report regarding  
814 any access line provider that is over 90 days delinquent in payment to the commission of  
815 amounts the access line provider owes under Title 69, Chapter 2, Part 4, 911 Emergency  
816 Service Charges, to:

817 (A) the board of the Utah Communications Authority created in Section 63H-7a-201;  
818 and

819 (B) the Public Utilities, Energy, and Technology Interim Committee.

820 (4) (a) Each report and return shall be preserved for at least three years.

821 (b) After the three-year period provided in Subsection (4)(a) the commission may  
822 destroy a report or return.

823 (5) (a) Any person who violates this section is guilty of a class A misdemeanor.

824 (b) If the person described in Subsection (5)(a) is an officer or employee of the state,  
825 the person shall be dismissed from office and be disqualified from holding public office in this  
826 state for a period of five years thereafter.

827 (c) Notwithstanding Subsection (5)(a) or (b), an office that requests information in  
828 accordance with Subsection (3)(o)(iii) or a person that requests information in accordance with  
829 Subsection (3)(o)(v):

830 (i) is not guilty of a class A misdemeanor; and

831 (ii) is not subject to:

- 832 (A) dismissal from office in accordance with Subsection (5)(b); or
- 833 (B) disqualification from holding public office in accordance with Subsection (5)(b).
- 834 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.

835 Section 5. Section 59-1-1402 is amended to read:

836 **59-1-1402. Definitions.**

837 As used in this part:

838 (1) "Administrative cost" means a fee imposed to cover:

839 (a) the cost of filing;

840 (b) the cost of administering a garnishment;

841 (c) the amount the commission pays to a depository institution in accordance with

842 [~~Title 59, Chapter 1,~~] Part 17, Depository Institution Data Match System and Levy Act; or

843 (d) a cost similar to Subsections (1)(a) through (c) as determined by the commission by  
844 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

845 (2) "Books and records" means the following made available in printed or electronic  
846 format:

847 (a) an account;

848 (b) a book;

849 (c) an invoice;

850 (d) a memorandum;

851 (e) a paper;

852 (f) a record; or

853 (g) an item similar to Subsections (2)(a) through (f) as determined by the commission  
854 by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

855 (3) "Deficiency" means:

856 (a) the amount by which a tax, fee, or charge exceeds the difference between:

857 (i) the sum of:

858 (A) the amount shown as the tax, fee, or charge by a person on the person's return; and

859 (B) any amount previously assessed, or collected without assessment, as a deficiency;

860 and

861 (ii) any amount previously abated, credited, refunded, or otherwise repaid with respect

862 to that tax, fee, or charge; or

863 (b) if a person does not show an amount as a tax, fee, or charge on the person's return,  
864 or if a person does not make a return, the amount by which the tax, fee, or charge exceeds:

865 (i) the amount previously assessed, or collected without assessment, as a deficiency;  
866 and

867 (ii) any amount previously abated, credited, refunded, or otherwise repaid with respect  
868 to that tax, fee, or charge.

869 (4) "Garnishment" means any legal or equitable procedure through which one or more  
870 of the following are required to be withheld for payment of an amount a person owes:

871 (a) an asset of the person held by another person; or

872 (b) the earnings of the person.

873 (5) "Liability" means the following that a person is required to remit to the  
874 commission:

875 (a) a tax, fee, or charge;

876 (b) an addition to a tax, fee, or charge;

877 (c) an administrative cost;

878 (d) interest that accrues in accordance with Section 59-1-402; or

879 (e) a penalty that accrues in accordance with Section 59-1-401.

880 (6) (a) Subject to Subsection (6)(b), "mathematical error" is as defined in Section  
881 6213(g)(2), Internal Revenue Code.

882 (b) The reference to Section 6213(g)(2), Internal Revenue Code, in Subsection (6)(a)  
883 means:

884 (i) the reference to Section 6213(g)(2), Internal Revenue Code, in effect for the taxable  
885 year; or

886 (ii) a corresponding or comparable provision of the Internal Revenue Code as  
887 amended, redesignated, or reenacted.

888 (7) (a) Except as provided in Subsection (7)(b), "tax, fee, or charge" means:

889 (i) a tax, fee, or charge the commission administers under:

890 (A) this title;

891 (B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

892 (C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

893 (D) Section 19-6-410.5;

894 (E) Section 19-6-714;  
895 (F) Section 19-6-805;  
896 (G) Section 32B-2-304;  
897 (H) Section 34A-2-202;  
898 (I) Section 40-6-14; or  
899 [~~(J) Section 69-2-5;~~]  
900 [~~(K) Section 69-2-5.5; or~~]  
901 [~~(L) Section 69-2-5.6; or~~]  
902 (J) Title 69, Chapter 2, Part 4, 911 Emergency Service Charges; or  
903 (ii) another amount that by statute is administered by the commission.  
904 (b) "Tax, fee, or charge" does not include a tax, fee, or charge imposed under:  
905 (i) Title 41, Chapter 1a, Motor Vehicle Act, except for Section 41-1a-301;  
906 (ii) Title 41, Chapter 3, Motor Vehicle Business Regulation Act;  
907 (iii) Chapter 2, Property Tax Act;  
908 (iv) Chapter 3, Tax Equivalent Property Act;  
909 (v) Chapter 4, Privilege Tax; or  
910 (vi) Chapter 13, Part 5, Interstate Agreements.  
911 (8) "Transferee" means:  
912 (a) a devisee;  
913 (b) a distributee;  
914 (c) a donee;  
915 (d) an heir;  
916 (e) a legatee; or  
917 (f) a person similar to Subsections (8)(a) through (e) as determined by the commission  
918 by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.  
919 Section 6. Section 59-12-107 is amended to read:  
920 **59-12-107. Definitions -- Collection, remittance, and payment of tax by sellers or**  
921 **other persons -- Returns -- Reports -- Direct payment by purchaser of vehicle -- Other**  
922 **liability for collection -- Rulemaking authority -- Credits -- Treatment of bad debt --**  
923 **Penalties and interest.**  
924 (1) As used in this section:

925 (a) "Ownership" means direct ownership or indirect ownership through a parent,  
926 subsidiary, or affiliate.

927 (b) "Related seller" means a seller that:

928 (i) meets one or more of the criteria described in Subsection (2)(a)(i); and

929 (ii) delivers tangible personal property, a service, or a product transferred electronically  
930 that is sold:

931 (A) by a seller that does not meet one or more of the criteria described in Subsection  
932 (2)(a)(i); and

933 (B) to a purchaser in the state.

934 (c) "Substantial ownership interest" means an ownership interest in a business entity if  
935 that ownership interest is greater than the degree of ownership of equity interest specified in 15  
936 U.S.C. Sec. 78p, with respect to a person other than a director or an officer.

937 (2) (a) Except as provided in Subsection (2)(e), Section [59-12-107.1](#), or Section  
938 [59-12-123](#), and subject to Subsection (2)(f), each seller shall pay or collect and remit the sales  
939 and use taxes imposed by this chapter if within this state the seller:

940 (i) has or utilizes:

941 (A) an office;

942 (B) a distribution house;

943 (C) a sales house;

944 (D) a warehouse;

945 (E) a service enterprise; or

946 (F) a place of business similar to Subsections (2)(a)(i)(A) through (E);

947 (ii) maintains a stock of goods;

948 (iii) regularly solicits orders, regardless of whether or not the orders are accepted in the  
949 state, unless the seller's only activity in the state is:

950 (A) advertising; or

951 (B) solicitation by:

952 (I) direct mail;

953 (II) electronic mail;

954 (III) the Internet;

955 (IV) telecommunications service; or

956 (V) a means similar to Subsection (2)(a)(iii)(A) or (B);  
957 (iv) regularly engages in the delivery of property in the state other than by:  
958 (A) common carrier; or  
959 (B) United States mail; or  
960 (v) regularly engages in an activity directly related to the leasing or servicing of  
961 property located within the state.

962 (b) A seller is considered to be engaged in the business of selling tangible personal  
963 property, a service, or a product transferred electronically for use in the state, and shall pay or  
964 collect and remit the sales and use taxes imposed by this chapter if:

965 (i) the seller holds a substantial ownership interest in, or is owned in whole or in  
966 substantial part by, a related seller; and

967 (ii) (A) the seller sells the same or a substantially similar line of products as the related  
968 seller and does so under the same or a substantially similar business name; or

969 (B) the place of business described in Subsection (2)(a)(i) of the related seller or an in  
970 state employee of the related seller is used to advertise, promote, or facilitate sales by the seller  
971 to a purchaser.

972 (c) A seller that does not meet one or more of the criteria provided for in Subsection  
973 (2)(a) or is not a seller required to pay or collect and remit sales and use taxes under Subsection  
974 (2)(b):

975 (i) except as provided in Subsection (2)(c)(ii), may voluntarily:

976 (A) collect a tax on a transaction described in Subsection 59-12-103(1); and

977 (B) remit the tax to the commission as provided in this part; or

978 (ii) notwithstanding Subsection (2)(c)(i), shall collect a tax on a transaction described  
979 in Subsection 59-12-103(1) if Section 59-12-103.1 requires the seller to collect the tax.

980 (d) The collection and remittance of a tax under this chapter by a seller that is  
981 registered under the agreement may not be used as a factor in determining whether that seller is  
982 required by Subsection (2) to:

983 (i) pay a tax, fee, or charge under:

984 (A) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

985 (B) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

986 (C) Section 19-6-714;

987 (D) Section 19-6-805;  
988 [~~(E) Section 69-2-5;~~]  
989 [~~(F) Section 69-2-5.5;~~]  
990 [~~(G) Section 69-2-5.6; or~~]  
991 (E) Title 69, Chapter 2, Part 4, 911 Emergency Service Charges; or  
992 [~~(H) (F) this title; or~~  
993 (ii) collect and remit a tax, fee, or charge under:  
994 (A) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;  
995 (B) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;  
996 (C) Section 19-6-714;  
997 (D) Section 19-6-805;  
998 [~~(E) Section 69-2-5;~~]  
999 [~~(F) Section 69-2-5.5;~~]  
1000 [~~(G) Section 69-2-5.6; or~~]  
1001 (E) Title 69, Chapter 2, Part 4, 911 Emergency Service Charges; or  
1002 [~~(H) (F) this title.~~  
1003 (e) A person shall pay a use tax imposed by this chapter on a transaction described in  
1004 Subsection 59-12-103(1) if:  
1005 (i) the seller did not collect a tax imposed by this chapter on the transaction; and  
1006 (ii) the person:  
1007 (A) stores the tangible personal property or product transferred electronically in the  
1008 state;  
1009 (B) uses the tangible personal property or product transferred electronically in the state;  
1010 or  
1011 (C) consumes the tangible personal property or product transferred electronically in the  
1012 state.  
1013 (f) The ownership of property that is located at the premises of a printer's facility with  
1014 which the retailer has contracted for printing and that consists of the final printed product,  
1015 property that becomes a part of the final printed product, or copy from which the printed  
1016 product is produced, shall not result in the retailer being considered to have or maintain an  
1017 office, distribution house, sales house, warehouse, service enterprise, or other place of

1018 business, or to maintain a stock of goods, within this state.

1019 (3) (a) Except as provided in Section [59-12-107.1](#), a tax under this chapter shall be  
1020 collected from a purchaser.

1021 (b) A seller may not collect as tax an amount, without regard to fractional parts of one  
1022 cent, in excess of the tax computed at the rates prescribed by this chapter.

1023 (c) (i) Each seller shall:

1024 (A) give the purchaser a receipt for the tax collected; or

1025 (B) bill the tax as a separate item and declare the name of this state and the seller's  
1026 sales and use tax license number on the invoice for the sale.

1027 (ii) The receipt or invoice is prima facie evidence that the seller has collected the tax  
1028 and relieves the purchaser of the liability for reporting the tax to the commission as a  
1029 consumer.

1030 (d) A seller is not required to maintain a separate account for the tax collected, but is  
1031 considered to be a person charged with receipt, safekeeping, and transfer of public money.

1032 (e) Taxes collected by a seller pursuant to this chapter shall be held in trust for the  
1033 benefit of the state and for payment to the commission in the manner and at the time provided  
1034 for in this chapter.

1035 (f) If any seller, during any reporting period, collects as a tax an amount in excess of  
1036 the lawful state and local percentage of total taxable sales allowed under this chapter, the seller  
1037 shall remit to the commission the full amount of the tax imposed under this chapter, plus any  
1038 excess.

1039 (g) If the accounting methods regularly employed by the seller in the transaction of the  
1040 seller's business are such that reports of sales made during a calendar month or quarterly period  
1041 will impose unnecessary hardships, the commission may accept reports at intervals that will, in  
1042 the commission's opinion, better suit the convenience of the taxpayer or seller and will not  
1043 jeopardize collection of the tax.

1044 (h) (i) For a purchase paid with specie legal tender as defined in Section [59-1-1501.1](#),  
1045 and until such time as the commission accepts specie legal tender for the payment of a tax  
1046 under this chapter, if the commission requires a seller to remit a tax under this chapter in legal  
1047 tender other than specie legal tender, the seller shall state on the seller's books and records and  
1048 on an invoice, bill of sale, or similar document provided to the purchaser:

1049 (A) the purchase price in specie legal tender and in the legal tender the seller is  
1050 required to remit to the commission;

1051 (B) subject to Subsection (3)(h)(ii), the amount of tax due under this chapter in specie  
1052 legal tender and in the legal tender the seller is required to remit to the commission;

1053 (C) the tax rate under this chapter applicable to the purchase; and

1054 (D) the date of the purchase.

1055 (ii) (A) Subject to Subsection (3)(h)(ii)(B), for purposes of determining the amount of  
1056 tax due under Subsection (3)(h)(i), a seller shall use the most recent London fixing price for the  
1057 specie legal tender the purchaser paid.

1058 (B) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1059 commission may make rules for determining the amount of tax due under Subsection (3)(h)(i)  
1060 if the London fixing price is not available for a particular day.

1061 (4) (a) Except as provided in Subsections (5) through (7) and Section [59-12-108](#), the  
1062 sales or use tax imposed by this chapter is due and payable to the commission quarterly on or  
1063 before the last day of the month next succeeding each calendar quarterly period.

1064 (b) (i) Each seller shall, on or before the last day of the month next succeeding each  
1065 calendar quarterly period, file with the commission a return for the preceding quarterly period.

1066 (ii) The seller shall remit with the return under Subsection (4)(b)(i) the amount of the  
1067 tax required under this chapter to be collected or paid for the period covered by the return.

1068 (c) Except as provided in Subsection (5)(c), a return shall contain information and be in  
1069 a form the commission prescribes by rule.

1070 (d) (i) Subject to Subsection (4)(d)(ii), the sales tax as computed in the return shall be  
1071 based on the total nonexempt sales made during the period for which the return is filed,  
1072 including both cash and charge sales.

1073 (ii) For a sale that includes the delivery or installation of tangible personal property at a  
1074 location other than a seller's place of business described in Subsection (2)(a)(i), if the delivery  
1075 or installation is separately stated on an invoice or receipt, a seller may compute the tax due on  
1076 the sale for purposes of Subsection (4)(d)(i) based on the amount the seller receives for that  
1077 sale during each period for which the seller receives payment for the sale.

1078 (e) (i) The use tax as computed in the return shall be based on the total amount of  
1079 purchases for storage, use, or other consumption in this state made during the period for which

1080 the return is filed, including both cash and charge purchases.

1081 (ii) (A) As used in this Subsection (4)(e)(ii), "qualifying purchaser" means a purchaser  
1082 who is required to remit taxes under this chapter, but is not required to remit taxes monthly in  
1083 accordance with Section [59-12-108](#), and who converts tangible personal property into real  
1084 property.

1085 (B) Subject to Subsections (4)(e)(ii)(C) and (D), a qualifying purchaser may remit the  
1086 taxes due under this chapter on tangible personal property for which the qualifying purchaser  
1087 claims an exemption as allowed under Subsection [59-12-104](#)(23) or (25) based on the period in  
1088 which the qualifying purchaser receives payment, in accordance with Subsection (4)(e)(ii)(C),  
1089 for the conversion of the tangible personal property into real property.

1090 (C) A qualifying purchaser remitting taxes due under this chapter in accordance with  
1091 Subsection (4)(e)(ii)(B) shall remit an amount equal to the total amount of tax due on the  
1092 qualifying purchaser's purchase of the tangible personal property that was converted into real  
1093 property multiplied by a fraction, the numerator of which is the payment received in the period  
1094 for the qualifying purchaser's sale of the tangible personal property that was converted into real  
1095 property and the denominator of which is the entire sales price for the qualifying purchaser's  
1096 sale of the tangible personal property that was converted into real property.

1097 (D) A qualifying purchaser may remit taxes due under this chapter in accordance with  
1098 this Subsection (4)(e)(ii) only if the books and records that the qualifying purchaser keeps in  
1099 the qualifying purchaser's regular course of business identify by reasonable and verifiable  
1100 standards that the tangible personal property was converted into real property.

1101 (f) (i) Subject to Subsection (4)(f)(ii) and in accordance with Title 63G, Chapter 3,  
1102 Utah Administrative Rulemaking Act, the commission may by rule extend the time for making  
1103 returns and paying the taxes.

1104 (ii) An extension under Subsection (4)(f)(i) may not be for more than 90 days.

1105 (g) The commission may require returns and payment of the tax to be made for other  
1106 than quarterly periods if the commission considers it necessary in order to ensure the payment  
1107 of the tax imposed by this chapter.

1108 (h) (i) The commission may require a seller that files a simplified electronic return with  
1109 the commission to file an additional electronic report with the commission.

1110 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1111 commission may make rules providing:

1112 (A) the information required to be included in the additional electronic report described  
1113 in Subsection (4)(h)(i); and

1114 (B) one or more due dates for filing the additional electronic report described in  
1115 Subsection (4)(h)(i).

1116 (5) (a) As used in this Subsection (5) and Subsection (6)(b), "remote seller" means a  
1117 seller that is:

1118 (i) registered under the agreement;

1119 (ii) described in Subsection (2)(c); and

1120 (iii) not a:

1121 (A) model 1 seller;

1122 (B) model 2 seller; or

1123 (C) model 3 seller.

1124 (b) (i) Except as provided in Subsection (5)(b)(ii), a tax a remote seller collects in  
1125 accordance with Subsection (2)(c) is due and payable:

1126 (A) to the commission;

1127 (B) annually; and

1128 (C) on or before the last day of the month immediately following the last day of each  
1129 calendar year.

1130 (ii) The commission may require that a tax a remote seller collects in accordance with  
1131 Subsection (2)(c) be due and payable:

1132 (A) to the commission; and

1133 (B) on the last day of the month immediately following any month in which the seller  
1134 accumulates a total of at least \$1,000 in agreement sales and use tax.

1135 (c) (i) If a remote seller remits a tax to the commission in accordance with Subsection  
1136 (5)(b), the remote seller shall file a return:

1137 (A) with the commission;

1138 (B) with respect to the tax;

1139 (C) containing information prescribed by the commission; and

1140 (D) on a form prescribed by the commission.

1141 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1142 commission shall make rules prescribing:

1143 (A) the information required to be contained in a return described in Subsection

1144 (5)(c)(i); and

1145 (B) the form described in Subsection (5)(c)(i)(D).

1146 (d) A tax a remote seller collects in accordance with this Subsection (5) shall be

1147 calculated on the basis of the total amount of taxable transactions under Subsection

1148 59-12-103(1) the remote seller completes, including:

1149 (i) a cash transaction; and

1150 (ii) a charge transaction.

1151 (6) (a) Except as provided in Subsection (6)(b), a tax a seller that files a simplified

1152 electronic return collects in accordance with this chapter is due and payable:

1153 (i) monthly on or before the last day of the month immediately following the month for

1154 which the seller collects a tax under this chapter; and

1155 (ii) for the month for which the seller collects a tax under this chapter.

1156 (b) A tax a remote seller that files a simplified electronic return collects in accordance

1157 with this chapter is due and payable as provided in Subsection (5).

1158 (7) (a) On each vehicle sale made by other than a regular licensed vehicle dealer, the

1159 purchaser shall pay the sales or use tax directly to the commission if the vehicle is subject to

1160 titling or registration under the laws of this state.

1161 (b) The commission shall collect the tax described in Subsection (7)(a) when the

1162 vehicle is titled or registered.

1163 (8) If any sale of tangible personal property or any other taxable transaction under

1164 Subsection 59-12-103(1), is made by a wholesaler to a retailer, the wholesaler is not

1165 responsible for the collection or payment of the tax imposed on the sale and the retailer is

1166 responsible for the collection or payment of the tax imposed on the sale if:

1167 (a) the retailer represents that the personal property is purchased by the retailer for

1168 resale; and

1169 (b) the personal property is not subsequently resold.

1170 (9) If any sale of property or service subject to the tax is made to a person prepaying

1171 sales or use tax in accordance with Title 63M, Chapter 5, Resource Development Act, or to a

1172 contractor or subcontractor of that person, the person to whom such payment or consideration

1173 is payable is not responsible for the collection or payment of the sales or use tax and the person  
1174 prepaying the sales or use tax is responsible for the collection or payment of the sales or use tax  
1175 if the person prepaying the sales or use tax represents that the amount prepaid as sales or use  
1176 tax has not been fully credited against sales or use tax due and payable under the rules  
1177 promulgated by the commission.

1178 (10) (a) For purposes of this Subsection (10):

1179 (i) Except as provided in Subsection (10)(a)(ii), "bad debt" is as defined in Section  
1180 166, Internal Revenue Code.

1181 (ii) Notwithstanding Subsection (10)(a)(i), "bad debt" does not include:

1182 (A) an amount included in the purchase price of tangible personal property, a product  
1183 transferred electronically, or a service that is:

1184 (I) not a transaction described in Subsection 59-12-103(1); or

1185 (II) exempt under Section 59-12-104;

1186 (B) a financing charge;

1187 (C) interest;

1188 (D) a tax imposed under this chapter on the purchase price of tangible personal  
1189 property, a product transferred electronically, or a service;

1190 (E) an uncollectible amount on tangible personal property or a product transferred  
1191 electronically that:

1192 (I) is subject to a tax under this chapter; and

1193 (II) remains in the possession of a seller until the full purchase price is paid;

1194 (F) an expense incurred in attempting to collect any debt; or

1195 (G) an amount that a seller does not collect on repossessed property.

1196 (b) (i) To the extent an amount remitted in accordance with Subsection (4)(d) later  
1197 becomes bad debt, a seller may deduct the bad debt from the total amount from which a tax  
1198 under this chapter is calculated on a return.

1199 (ii) A qualifying purchaser, as defined in Subsection (4)(e)(ii)(A), may deduct from the  
1200 total amount of taxes due under this chapter the amount of tax the qualifying purchaser paid on  
1201 the qualifying purchaser's purchase of tangible personal property converted into real property to  
1202 the extent that:

1203 (A) tax was remitted in accordance with Subsection (4)(e) on that tangible personal

1204 property converted into real property;

1205 (B) the qualifying purchaser's sale of that tangible personal property converted into real  
1206 property later becomes bad debt; and

1207 (C) the books and records that the qualifying purchaser keeps in the qualifying  
1208 purchaser's regular course of business identify by reasonable and verifiable standards that the  
1209 tangible personal property was converted into real property.

1210 (c) A seller may file a refund claim with the commission if:

1211 (i) the amount of bad debt for the time period described in Subsection (10)(e) exceeds  
1212 the amount of the seller's sales that are subject to a tax under this chapter for that same time  
1213 period; and

1214 (ii) as provided in Section [59-1-1410](#).

1215 (d) A bad debt deduction under this section may not include interest.

1216 (e) A bad debt may be deducted under this Subsection (10) on a return for the time  
1217 period during which the bad debt:

1218 (i) is written off as uncollectible in the seller's books and records; and

1219 (ii) would be eligible for a bad debt deduction:

1220 (A) for federal income tax purposes; and

1221 (B) if the seller were required to file a federal income tax return.

1222 (f) If a seller recovers any portion of bad debt for which the seller makes a deduction or  
1223 claims a refund under this Subsection (10), the seller shall report and remit a tax under this  
1224 chapter:

1225 (i) on the portion of the bad debt the seller recovers; and

1226 (ii) on a return filed for the time period for which the portion of the bad debt is  
1227 recovered.

1228 (g) For purposes of reporting a recovery of a portion of bad debt under Subsection  
1229 (10)(f), a seller shall apply amounts received on the bad debt in the following order:

1230 (i) in a proportional amount:

1231 (A) to the purchase price of the tangible personal property, product transferred  
1232 electronically, or service; and

1233 (B) to the tax due under this chapter on the tangible personal property, product  
1234 transferred electronically, or service; and

- 1235 (ii) to:
- 1236 (A) interest charges;
- 1237 (B) service charges; and
- 1238 (C) other charges.
- 1239 (h) A seller's certified service provider may make a deduction or claim a refund for bad
- 1240 debt on behalf of the seller:
- 1241 (i) in accordance with this Subsection (10); and
- 1242 (ii) if the certified service provider credits or refunds the entire amount of the bad debt
- 1243 deduction or refund to the seller.
- 1244 (i) A seller may allocate bad debt among the states that are members of the agreement
- 1245 if the seller's books and records support that allocation.
- 1246 (11) (a) A seller may not, with intent to evade any tax, fail to timely remit the full
- 1247 amount of tax required by this chapter.
- 1248 (b) A violation of this section is punishable as provided in Section 59-1-401.
- 1249 (c) Each person who fails to pay any tax to the state or any amount of tax required to be
- 1250 paid to the state, except amounts determined to be due by the commission under Chapter 1,
- 1251 Part 14, Assessment, Collections, and Refunds Act, or Section 59-12-111, within the time
- 1252 required by this chapter, or who fails to file any return as required by this chapter, shall pay, in
- 1253 addition to the tax, penalties and interest as provided in Sections 59-1-401 and 59-1-402.
- 1254 (d) For purposes of prosecution under this section, each quarterly tax period in which a
- 1255 seller, with intent to evade any tax, collects a tax and fails to timely remit the full amount of the
- 1256 tax required to be remitted, constitutes a separate offense.
- 1257 Section 7. Section 59-12-108 is amended to read:
- 1258 **59-12-108. Monthly payment -- Amount of tax a seller may retain -- Penalty --**
- 1259 **Certain amounts allocated to local taxing jurisdictions.**
- 1260 (1) (a) Notwithstanding Section 59-12-107, a seller that has a tax liability under this
- 1261 chapter of \$50,000 or more for the previous calendar year shall:
- 1262 (i) file a return with the commission:
- 1263 (A) monthly on or before the last day of the month immediately following the month
- 1264 for which the seller collects a tax under this chapter; and
- 1265 (B) for the month for which the seller collects a tax under this chapter; and

1266 (ii) except as provided in Subsection (1)(b), remit with the return required by  
1267 Subsection (1)(a)(i) the amount the person is required to remit to the commission for each tax,  
1268 fee, or charge described in Subsection (1)(c):

1269 (A) if that seller's tax liability under this chapter for the previous calendar year is less  
1270 than \$96,000, by any method permitted by the commission; or

1271 (B) if that seller's tax liability under this chapter for the previous calendar year is  
1272 \$96,000 or more, by electronic funds transfer.

1273 (b) A seller shall remit electronically with the return required by Subsection (1)(a)(i)  
1274 the amount the seller is required to remit to the commission for each tax, fee, or charge  
1275 described in Subsection (1)(c) if that seller:

1276 (i) is required by Section 59-12-107 to file the return electronically; or

1277 (ii) (A) is required to collect and remit a tax under Section 59-12-107; and

1278 (B) files a simplified electronic return.

1279 (c) Subsections (1)(a) and (b) apply to the following taxes, fees, or charges:

1280 (i) a tax under Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

1281 (ii) a fee under Section 19-6-714;

1282 (iii) a fee under Section 19-6-805;

1283 (iv) a charge under [~~Section 69-2-5;~~] Title 69, Chapter 2, Part 4, 911 Emergency

1284 Service Charges; or

1285 [~~(v) a charge under Section 69-2-5.5;~~]

1286 [~~(vi) a charge under Section 69-2-5.6; or~~]

1287 [~~(vii)] (v) a tax under this chapter.~~

1288 (d) Notwithstanding Subsection (1)(a)(ii) and in accordance with Title 63G, Chapter 3,  
1289 Utah Administrative Rulemaking Act, the commission shall make rules providing for a method  
1290 for making same-day payments other than by electronic funds transfer if making payments by  
1291 electronic funds transfer fails.

1292 (e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1293 commission shall establish by rule procedures and requirements for determining the amount a  
1294 seller is required to remit to the commission under this Subsection (1).

1295 (2) (a) Except as provided in Subsection (3), a seller subject to Subsection (1) or a  
1296 seller described in Subsection (4) may retain each month the amount allowed by this

1297 Subsection (2).

1298 (b) A seller subject to Subsection (1) or a seller described in Subsection (4) may retain  
1299 each month 1.31% of any amounts the seller is required to remit to the commission:

1300 (i) for a transaction described in Subsection 59-12-103(1) that is subject to a state tax  
1301 and a local tax imposed in accordance with the following, for the month for which the seller is  
1302 filing a return in accordance with Subsection (1):

1303 (A) Subsection 59-12-103(2)(a);

1304 (B) Subsection 59-12-103(2)(b); and

1305 (C) Subsection 59-12-103(2)(d); and

1306 (ii) for an agreement sales and use tax.

1307 (c) (i) A seller subject to Subsection (1) or a seller described in Subsection (4) may  
1308 retain each month the amount calculated under Subsection (2)(c)(ii) for a transaction described  
1309 in Subsection 59-12-103(1) that is subject to the state tax and the local tax imposed in  
1310 accordance with Subsection 59-12-103(2)(c).

1311 (ii) For purposes of Subsection (2)(c)(i), the amount a seller may retain is an amount  
1312 equal to the sum of:

1313 (A) 1.31% of any amounts the seller is required to remit to the commission for:

1314 (I) the state tax and the local tax imposed in accordance with Subsection

1315 59-12-103(2)(c);

1316 (II) the month for which the seller is filing a return in accordance with Subsection (1);

1317 and

1318 (III) an agreement sales and use tax; and

1319 (B) 1.31% of the difference between:

1320 (I) the amounts the seller would have been required to remit to the commission:

1321 (Aa) in accordance with Subsection 59-12-103(2)(a) if the transaction had been subject  
1322 to the state tax and the local tax imposed in accordance with Subsection 59-12-103(2)(a);

1323 (Bb) for the month for which the seller is filing a return in accordance with Subsection  
1324 (1); and

1325 (Cc) for an agreement sales and use tax; and

1326 (II) the amounts the seller is required to remit to the commission for:

1327 (Aa) the state tax and the local tax imposed in accordance with Subsection

1328 59-12-103(2)(c);  
1329 (Bb) the month for which the seller is filing a return in accordance with Subsection (1);  
1330 and  
1331 (Cc) an agreement sales and use tax.  
1332 (d) A seller subject to Subsection (1) or a seller described in Subsection (4) may retain  
1333 each month 1% of any amounts the seller is required to remit to the commission:  
1334 (i) for the month for which the seller is filing a return in accordance with Subsection  
1335 (1); and  
1336 (ii) under:  
1337 (A) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;  
1338 (B) Subsection 59-12-603(1)(a)(i)(A); or  
1339 (C) Subsection 59-12-603(1)(a)(i)(B).  
1340 (3) A state government entity that is required to remit taxes monthly in accordance  
1341 with Subsection (1) may not retain any amount under Subsection (2).  
1342 (4) A seller that has a tax liability under this chapter for the previous calendar year of  
1343 less than \$50,000 may:  
1344 (a) voluntarily meet the requirements of Subsection (1); and  
1345 (b) if the seller voluntarily meets the requirements of Subsection (1), retain the  
1346 amounts allowed by Subsection (2).  
1347 (5) (a) Subject to Subsections (5)(b) through (d), a seller that voluntarily collects and  
1348 remits a tax in accordance with Subsection 59-12-107(2)(c)(i) may retain an amount equal to  
1349 18% of any amounts the seller would otherwise remit to the commission:  
1350 (i) if the seller obtains a license under Section 59-12-106 for the first time on or after  
1351 January 1, 2014; and  
1352 (ii) for:  
1353 (A) an agreement sales and use tax; and  
1354 (B) the time period for which the seller files a return in accordance with this section.  
1355 (b) If a seller retains an amount under this Subsection (5), the seller may not retain any  
1356 other amount under this section.  
1357 (c) If a seller retains an amount under this Subsection (5), the commission may require  
1358 the seller to file a return by:

- 1359 (i) electronic means; or
- 1360 (ii) a means other than electronic means.
- 1361 (d) A seller may not retain an amount under this Subsection (5) if the seller is required
- 1362 to collect or remit a tax under this section in accordance with Section [59-12-103.1](#).
- 1363 (6) Penalties for late payment shall be as provided in Section [59-1-401](#).
- 1364 (7) (a) Except as provided in Subsection (7)(c), for any amounts required to be remitted
- 1365 to the commission under this part, the commission shall each month calculate an amount equal
- 1366 to the difference between:
  - 1367 (i) the total amount retained for that month by all sellers had the percentages listed
  - 1368 under Subsections (2)(b) and (2)(c)(ii) been 1.5%; and
  - 1369 (ii) the total amount retained for that month by all sellers at the percentages listed
  - 1370 under Subsections (2)(b) and (2)(c)(ii).
- 1371 (b) The commission shall each month allocate the amount calculated under Subsection
- 1372 (7)(a) to each county, city, and town on the basis of the proportion of agreement sales and use
- 1373 tax that the commission distributes to each county, city, and town for that month compared to
- 1374 the total agreement sales and use tax that the commission distributes for that month to all
- 1375 counties, cities, and towns.
- 1376 (c) The amount the commission calculates under Subsection (7)(a) may not include an
- 1377 amount collected from a tax that:
  - 1378 (i) the state imposes within a county, city, or town, including the unincorporated area
  - 1379 of a county; and
  - 1380 (ii) is not imposed within the entire state.
- 1381 Section 8. Section **59-12-128** is amended to read:
- 1382 **59-12-128. Amnesty.**
- 1383 (1) As used in this section, "amnesty" means that a seller is not required to pay the
- 1384 following amounts that the seller would otherwise be required to pay:
  - 1385 (a) a tax, fee, or charge under:
    - 1386 (i) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
    - 1387 (ii) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;
    - 1388 (iii) Section [19-6-714](#);
    - 1389 (iv) Section [19-6-805](#);

- 1390 (v) Chapter 26, Multi-Channel Video or Audio Service Tax Act;
- 1391 [~~(vi) Section 69-2-5;~~]
- 1392 [~~(vii) Section 69-2-5.5;~~]
- 1393 [~~(viii) Section 69-2-5.6; or~~]
- 1394 (vi) Title 69, Chapter 2, Part 4, 911 Emergency Service Charges; or
- 1395 ~~[(ix)]~~ (vii) this chapter;
- 1396 (b) a penalty on a tax, fee, or charge described in Subsection (1)(a); or
- 1397 (c) interest on a tax, fee, or charge described in Subsection (1)(a).
- 1398 (2) (a) Except as provided in Subsections (2)(b) and (3) and subject to Subsections (4)
- 1399 and (5), the commission shall grant a seller amnesty if the seller:
- 1400 (i) obtains a license under Section 59-12-106; and
- 1401 (ii) is registered under the agreement.
- 1402 (b) The commission is not required to grant a seller amnesty under this section
- 1403 beginning 12 months after the date the state becomes a full member under the agreement.
- 1404 (3) A seller may not receive amnesty under this section for a tax, fee, or charge:
- 1405 (a) the seller collects;
- 1406 (b) the seller remits to the commission;
- 1407 (c) that the seller is required to remit to the commission on the seller's purchase; or
- 1408 (d) arising from a transaction that occurs within a time period that is under audit by the
- 1409 commission if:
- 1410 (i) the seller receives notice of the commencement of the audit prior to obtaining a
- 1411 license under Section 59-12-106; and
- 1412 (ii) (A) the audit described in Subsection (3)(d)(i) is not complete; or
- 1413 (B) the seller has not exhausted all administrative and judicial remedies in connection
- 1414 with the audit described in Subsection (3)(d)(i).
- 1415 (4) (a) Except as provided in Subsection (4)(b), amnesty the commission grants to a
- 1416 seller under this section:
- 1417 (i) applies to the time period during which the seller is not licensed under Section
- 1418 59-12-106; and
- 1419 (ii) remains in effect if, for a period of three years, the seller:
- 1420 (A) remains registered under the agreement;

1421 (B) collects a tax, fee, or charge on a transaction subject to a tax, fee, or charge  
 1422 described in Subsection (1)(a); and

1423 (C) remits to the commission the taxes, fees, and charges the seller collects in  
 1424 accordance with Subsection (4)(a)(ii)(B).

1425 (b) The commission may not grant a seller amnesty under this section if, with respect  
 1426 to a tax, fee, or charge for which the seller would otherwise be granted amnesty under this  
 1427 section, the seller commits:

1428 (i) fraud; or

1429 (ii) an intentional misrepresentation of a material fact.

1430 (5) (a) If a seller does not meet a requirement of Subsection (4)(a)(ii), the commission  
 1431 shall require the seller to pay the amounts described in Subsection (1) that the seller would  
 1432 have otherwise been required to pay.

1433 (b) Notwithstanding Section 59-1-1410, for purposes of requiring a seller to pay an  
 1434 amount in accordance with Subsection (5)(a), the time period for the commission to make an  
 1435 assessment under Section 59-1-1410 is extended for a time period beginning on the date the  
 1436 seller does not meet a requirement of Subsection (4)(a)(ii) and ends three years after that date.

1437 Section 9. Section 63H-7a-102 is amended to read:

1438 **63H-7a-102. Utah Communications Authority -- Purpose.**

1439 ~~[The purpose of this] (1) This chapter [is to establish an independent state agency and a~~  
 1440 ~~board to administer the creation, administration, and maintenance of] establishes the Utah~~  
 1441 ~~Communications Authority [to provide a public safety communications network, facilities, and~~  
 1442 ~~911 emergency services on a statewide basis for the benefit and use of public agencies, and~~  
 1443 ~~state and federal agencies.] as an independent state agency.~~

1444 (2) The Utah Communications Authority shall:

1445 (a) provide administrative and financial support for statewide 911 emergency services;  
 1446 and

1447 (b) establish and maintain a statewide public safety communications network.

1448 Section 10. Section 63H-7a-103 is amended to read:

1449 **63H-7a-103. Definitions.**

1450 As used in this chapter:

1451 (1) "Association of governments" means an association of political subdivisions of the

1452 state, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal  
1453 Cooperation Act.

1454 ~~[(1)]~~ (2) "Authority" means the Utah Communications Authority~~[-an independent state~~  
1455 ~~agency]~~ created in Section 63H-7a-201.

1456 ~~[(2)]~~ (3) "Board" means the Utah Communications Authority Board created in Section  
1457 63H-7a-203.

1458 ~~[(3)]~~ (4) "Bonds" means bonds, notes, certificates, debentures, contracts, lease purchase  
1459 agreements, or other evidences of indebtedness or borrowing issued or incurred by the  
1460 authority pursuant to this chapter.

1461 (5) "Dispatch center" means an entity that receives and responds to an emergency or  
1462 nonemergency communication transferred to the entity from a public safety answering point.

1463 ~~[(4)]~~ (6) "FirstNet" means the federal First Responder Network Authority [~~created by~~  
1464 ~~Congress in the Middle Class Tax Relief and Job Creation Act of 2012]~~ established in 47  
1465 U.S.C. Sec. 1424.

1466 ~~[(5)]~~ (7) "Lease" means any lease, lease purchase, sublease, operating, management, or  
1467 similar agreement.

1468 ~~[(6)]~~ "Local entity" means a county, city, town, local district, special service district, or  
1469 ~~interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act.]~~

1470 ~~[(7)]~~ "Member" means a public agency which:]

1471 ~~[(a)]~~ adopts a membership resolution to be included within the authority; and]

1472 ~~[(b)]~~ submits an originally executed copy of an authorizing resolution to the authority's  
1473 office.];

1474 ~~[(8)]~~ "Member representative" means a person or that person's designee appointed by  
1475 the governing body of each member.];

1476 ~~[(9)]~~ (8) "Public agency" means any political subdivision of the state~~[-including cities,~~  
1477 ~~towns, counties, school districts, local districts, and special service districts,]~~ dispatched by a  
1478 public safety answering point.

1479 ~~[(10)]~~ (9) "Public safety answering point" or "PSAP" means an entity that:

1480 (a) receives, as a first point of contact, direct 911 emergency and nonemergency  
1481 communications requesting a public safety service;

1482 (b) has a facility with the equipment and staff necessary to receive the communication;

1483 (c) assesses, classifies, and prioritizes the communication; and

1484 (d) [~~transfers~~] dispatches the communication to the proper responding agency.

1485 [(H)] (10) "Public safety communications network" means:

1486 (a) a regional or statewide public safety governmental communications network and  
1487 related facilities, including real property, improvements, and equipment necessary for the  
1488 acquisition, construction, and operation of the services and facilities; and

1489 (b) 911 emergency services, including radio communications, connectivity, and  
1490 computer aided dispatch systems.

1491 [(12) "State" means the state of Utah.]

1492 [(13) "State representative" means the six appointees of the governor or their designees  
1493 and the Utah State Treasurer or his designee.]

1494 Section 11. Section **63H-7a-201** is amended to read:

1495 **Part 2. Utah Communications Authority Governance**

1496 **63H-7a-201. Establishment of Utah Communications Authority.**

1497 (1) This part is known as [~~the~~] "Utah Communications Authority [~~and the Board~~]  
1498 Governance."

1499 (2) There is established the Utah Communications Authority[~~, formerly known as the~~  
1500 ~~Utah Communications Agency Network, which shall assume the operations of the Utah~~  
1501 ~~Communications Agency Network and shall perform the functions as provided in this chapter.~~

1502 (3) ~~The Utah Communications Authority is]~~ as an independent state agency and not a division  
1503 within any other department of the state.

1504 [(4) ~~The initial offices of the~~] (3) (a) The authority shall [be] maintain an office in Salt  
1505 Lake County[~~, but branches of the office may be established in other areas of the state upon~~  
1506 ~~approval of the board~~].

1507 (b) The authority may establish additional branch offices outside of Salt Lake County  
1508 with the approval of the board.

1509 Section 12. Section **63H-7a-202** is amended to read:

1510 **63H-7a-202. Powers of the authority.**

1511 The authority [~~shall have~~] has the power to:

1512 (1) sue and be sued in [~~its~~] the authority's own name;

1513 (2) have an official seal and power to alter that seal at will;

1514 (3) make and execute contracts and all other instruments necessary or convenient for  
1515 the performance of ~~[its]~~ the authority's duties and the exercise of ~~[its]~~ the authority's powers  
1516 and functions under this chapter, including contracts with ~~[private companies licensed under~~  
1517 ~~Title 26, Chapter 8a, Utah Emergency Medical Services System Act]~~ public and private  
1518 providers;

1519 (4) own, acquire, design, construct, operate, maintain, repair, and dispose of any  
1520 portion of a public safety communications network utilizing technology that is fiscally prudent,  
1521 upgradable, technologically advanced, redundant, and secure;

1522 (5) borrow money and incur indebtedness;

1523 ~~[(6) issue bonds as provided in this chapter;]~~

1524 ~~[(7)]~~ (6) enter into agreements with public agencies, private entities, the state, and  
1525 federal government to provide public safety communications network services on terms and  
1526 conditions ~~[it]~~ the authority considers to be in the best interest of ~~[its members]~~ the authority;

1527 ~~[(8)]~~ (7) acquire, by gift, grant, purchase, or by exercise of eminent domain, any real  
1528 property or personal property in connection with the acquisition and construction of a public  
1529 safety communications network and all related facilities and rights-of-way ~~[which it]~~ that the  
1530 authority owns, operates, and maintains;

1531 (8) sell public safety communications network capacity to a state agency or a political  
1532 subdivision of the state if the sale is:

1533 (a) for a public safety purpose; and

1534 (b) consistent with the authority's duties under this chapter;

1535 ~~[(9) contract with other public agencies, the state, or federal government to provide~~  
1536 ~~public safety communications network services in excess of those required to meet the needs or~~  
1537 ~~requirements of its members and the state and federal government if:]~~

1538 ~~[(a) it is determined by the board to be necessary to accomplish the purposes and~~  
1539 ~~realize the benefits of this chapter; and]~~

1540 ~~[(b) any excess is sold to other public agencies, the state, or federal government and is~~  
1541 ~~sold on terms that assure:]~~

1542 ~~[(i) that the excess services will be used only for the purposes and benefits authorized~~  
1543 ~~by the authority under Section ~~63H-7a-102~~; and]~~

1544 ~~[(ii) that the cost of providing the excess service will be received by the authority;]~~

1545 ~~[(10) provide and maintain the public safety communications network for all state and~~  
1546 ~~local governmental agencies;]~~

1547 ~~[(a) within the current authority network for the state and local governmental agencies~~  
1548 ~~that currently subscribe to the authority; and]~~

1549 ~~[(b) in a manner that:]~~

1550 ~~[(i) promotes high quality, cost effective services; and]~~

1551 ~~[(ii) evaluates the benefits, costs, existing facilities and equipment, and services of~~  
1552 ~~public and private providers;]~~

1553 ~~[(iii) where economically feasible, utilizes existing infrastructure to avoid duplication~~  
1554 ~~of facilities, equipment, and services of providers of communication services.]~~

1555 ~~[(11) maintain the current VHF and 800 MHz radio networks;]~~

1556 ~~[(12)] (9) review, approve, disapprove, or revise recommendations regarding the~~  
1557 ~~expenditure of funds [under Sections 69-2-5.5 and 69-2-5.6 that are made by:] disbursed by the~~  
1558 ~~authority under this chapter; and~~

1559 ~~[(a) the 911 Division;]~~

1560 ~~[(b) the Radio Network Division; and]~~

1561 ~~[(c) the Interoperability Division; and]~~

1562 ~~[(13)] (10) perform all other duties authorized by this chapter.~~

1563 Section 13. Section **63H-7a-203** is amended to read:

1564 **63H-7a-203. Board established -- Terms -- Vacancies.**

1565 (1) There is created the ["]Utah Communications Authority Board.["]

1566 (2) The board shall consist of [~~the following individuals, who may not be employed by~~  
1567 ~~the authority or any office or division of the authority:] nine board members as follows:~~

1568 ~~[(a) the member representatives elected as follows:]~~

1569 ~~[(i) one representative elected from each county of the first and second class, who:]~~

1570 ~~[(A) is in law enforcement, fire service, or a public safety answering point; and]~~

1571 ~~[(B) has a leadership position with public safety communication experience;]~~

1572 ~~[(ii) one representative elected from each of the seven associations of government~~  
1573 ~~who:]~~

1574 ~~[(A) is in law enforcement, fire service, or a public safety answering point; and]~~

1575 ~~[(B) has a leadership position with public safety communication experience;]~~

1576 ~~[(iii) one representative of the Native American tribes elected by the representative of~~  
1577 ~~tribal governments listed in Subsection 9-9-104.5(2);]~~

1578 ~~[(iv) one representative elected by the Utah National Guard;]~~

1579 ~~[(v) one representative elected by an association that represents fire chiefs;]~~

1580 ~~[(vi) one representative elected by an association that represents sheriffs;]~~

1581 ~~[(vii) one representative elected by an association that represents chiefs of police; and]~~

1582 ~~[(viii) one member elected by the 911 Advisory Committee created in Section~~  
1583 ~~63H-7a-307;]~~

1584 ~~[(b) seven state representatives appointed in accordance with Subsection (3); and]~~

1585 ~~[(c) two members of the public selected as follows:]~~

1586 ~~[(i) one member who:]~~

1587 ~~[(A) may not have financial ties to a provider of telecommunication services;]~~

1588 ~~[(B) may not have a relationship to a user of public safety telecommunications~~  
1589 ~~services; and]~~

1590 ~~[(C) is selected by the speaker of the House of Representatives; and]~~

1591 ~~[(ii) one member who:]~~

1592 ~~[(A) may not have financial ties to a provider of telecommunication services;]~~

1593 ~~[(B) may not have a relationship to a user of public safety telecommunications~~  
1594 ~~services; and]~~

1595 ~~[(C) is selected by the president of the Senate.]~~

1596 ~~[(3) (a) (i) Six of the state representatives shall be appointed by the governor, with two~~  
1597 ~~of the positions having an initial term of two years, two having an initial term of three years,~~  
1598 ~~and two having an initial term of four years.]~~

1599 ~~[(ii) Successor state representatives shall each serve for a term of four years.]~~

1600 ~~[(iii) The six governor-appointed state representatives shall consist of:]~~

1601 ~~[(A) the executive director of the Utah Department of Transportation or the director's~~  
1602 ~~designee;]~~

1603 ~~[(B) the commissioner of public safety or the commissioner's designee;]~~

1604 ~~[(C) the executive director of the Department of Natural Resources or the director's~~  
1605 ~~designee;]~~

1606 ~~[(D) the executive director of the Department of Corrections or the director's designee;]~~

1607 ~~[(E) the chief information officer of the Department of Technology Services, or the~~  
 1608 ~~officer's designee; and]~~

1609 ~~[(F) the executive director of the Department of Health or the director's designee.]~~

1610 ~~[(b) The seventh state representative shall be the Utah State Treasurer or the treasurer's~~  
 1611 ~~designee.]~~

1612 ~~[(c) A vacancy on the board for a state representative shall be filled for the unexpired~~  
 1613 ~~term by the director of the department or the director's designee as described in Subsection~~  
 1614 ~~(3)(a)(iii).]~~

1615 ~~[(d) An employee of the authority may not be a member of the board.]~~

1616 (a) three individuals appointed by the governor with the advice and consent of the  
 1617 Senate;

1618 (b) one individual appointed by the speaker of the House of Representatives;

1619 (c) one individual appointed by the president of the Senate;

1620 (d) two individuals nominated by an association that represents cities and towns in the  
 1621 state and appointed by the governor with the advice and consent of the Senate; and

1622 (e) two individuals nominated by an association that represents counties in the state  
 1623 and appointed by the governor with the advice and consent of the Senate.

1624 (3) The governor shall appoint an individual to the board in accordance with  
 1625 Subsection (2)(a) or (b) if the individual has knowledge of at least one of the following:

1626 (a) law enforcement;

1627 (b) public safety;

1628 (c) fire service;

1629 (d) telecommunications;

1630 (e) finance;

1631 (f) management; and

1632 (g) government; and

1633 (4) An individual may not serve as a board member if the individual is a current public  
 1634 safety communications network:

1635 (a) user; or

1636 (b) vendor.

1637 ~~[(4)]~~ (5) (a) (i) [One-half of the positions for member representatives selected] Five of

1638 the board members appointed under Subsection (2) shall ~~[have]~~ serve an initial term of two  
1639 years and ~~[one-half of the positions shall have]~~ four of the board members appointed under  
1640 Subsection (2) shall serve an initial term of four years.

1641 ~~[(ii) Successor member representatives of the board shall each serve for a term of four~~  
1642 ~~years, so that the term of office for six of the member representatives expires every two years.]~~

1643 ~~[(b) The member representatives of the board shall be removable, with or without~~  
1644 ~~cause, by the entity that selected the member. A vacancy on the board for a member~~  
1645 ~~representative shall be filled for the unexpired term by the entity the member represents.]~~

1646 (ii) Successor board members shall each serve a term of four years.

1647 (b) (i) The governor may remove a board member with cause.

1648 (ii) If the governor removes a board member the entity that appointed the board  
1649 member under Subsection (2) shall appoint a replacement board member in the same manner as  
1650 described in Subsection (2).

1651 ~~[(5)]~~ (6) (a) The governor shall, [in accordance with Subsection (5)(b) and] after  
1652 consultation with the board, appoint [the] a board member as chair of the board with the advice  
1653 and consent of the Senate. [The chair shall serve a two-year term and the appointment as chair  
1654 will automatically extend the term of the board member to coincide with the appointment as  
1655 chair.]

1656 ~~[(b) The governor shall make the initial selection of a chair from one of the members~~  
1657 ~~described in Subsection (2). After the initial selection of a chair, the governor shall alternate the~~  
1658 ~~selection of the chair between a local member described in Subsection (2)(a) and a state~~  
1659 ~~member described in Subsection (2)(b).]~~

1660 ~~[(c) The chair shall serve at the pleasure of the governor.]~~

1661 (b) The chair shall serve a two year term.

1662 ~~[(6)]~~ (7) The board shall meet on an as-needed basis and as provided in the bylaws.

1663 ~~[(7) The board shall also elect a vice chair, secretary, and treasurer to perform those~~  
1664 ~~functions provided in the bylaws.]~~

1665 (8) (a) The board shall elect one of the board members to serve as vice chair [shall be a  
1666 member of the board].

1667 (b) (i) The board may elect a secretary and treasurer [need not be] who are not  
1668 members of the board[, but shall not have voting powers if they are not members of the board].

1669 (ii) If the board elects a secretary or treasurer who is not a member of the board, the  
 1670 secretary or treasurer does not have voting power.

1671 (c) ~~[The]~~ A separate individual shall hold the offices of chair, vice chair, secretary, and  
 1672 treasurer ~~[shall be held by separate individuals].~~

1673 ~~[(8) Each member representative and state representative shall have one vote, including~~  
 1674 ~~the chair, at all meetings of the board.]~~

1675 (9) Each board member, including the chair, has one vote.

1676 ~~[(9) A constitutional majority of the members of the board constitutes a quorum.]~~

1677 (10) A vote of a majority of the [quorum at any meeting of the] board members is  
 1678 necessary to take action on behalf of the board.

1679 ~~[(10)]~~ (11) A board member may not receive compensation for the member's service on  
 1680 the board, but may, in accordance with [administrative] rules adopted by the board in  
 1681 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, receive:

1682 (a) a per diem at the rate established under Section [63A-3-106](#); and

1683 (b) travel expenses at the rate established under Section [63A-3-107](#).

1684 Section 14. Section **63H-7a-204** is amended to read:

1685 **63H-7a-204. Board -- Powers and duties.**

1686 The board shall:

1687 (1) manage the affairs and business of the authority consistent with this chapter  
 1688 ~~[including adopting bylaws by a majority vote of its members];~~

1689 (2) adopt bylaws;

1690 ~~[(2)]~~ (3) appoint an executive director to administer the authority;

1691 ~~[(3)]~~ (4) receive and act upon reports covering the operations of the public safety  
 1692 communications network and funds administered by the authority;

1693 ~~[(4)]~~ (5) ensure that the public safety communications network and funds are  
 1694 administered according to law;

1695 ~~[(5)]~~ (6) examine and approve an annual operating budget for the authority;

1696 ~~[(6)]~~ (7) receive and act upon recommendations of the director;

1697 ~~[(7)]~~ (8) recommend to the governor and Legislature [any necessary or desirable  
 1698 changes in the statutes governing] legislation involving the public safety communications  
 1699 network;

1700 ~~[(8)]~~ (9) develop ~~[broad]~~ policies for the long-term operation of the authority ~~[for]~~ and  
1701 the performance of ~~[its]~~ the authority's functions;

1702 ~~[(9)]~~ ~~make and execute contracts and other instruments on behalf of the authority,~~  
1703 ~~including agreements with members and other entities;]~~

1704 (10) authorize the executive director to enter into agreements on behalf of the  
1705 authority;

1706 ~~[(10)]~~ (11) authorize the borrowing of money, the incurring of indebtedness, and the  
1707 issuance of bonds as provided in this chapter;

1708 ~~[(11)]~~ (12) ~~[adopt rules consistent with this chapter and]~~ provide for the management  
1709 and administration of the public safety communications network by rule made in accordance  
1710 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act[, for the management of the  
1711 public safety communications network in order to carry out the purposes of this chapter, and  
1712 perform all other acts necessary for the administration of the public safety communications  
1713 network];

1714 ~~[(12)]~~ (13) exercise the powers and perform the duties conferred on ~~[it]~~ the board by  
1715 this chapter;

1716 ~~[(13)]~~ (14) provide for audits of the authority; and

1717 ~~[(14)]~~ (15) establish the following divisions within the authority:

1718 (a) 911 Division;

1719 (b) Radio Network Division;

1720 (c) Interoperability Division; and

1721 (d) Administrative Services Division[;].

1722 ~~[(15)]~~ ~~establish a 911 advisory committee to the 911 Division in accordance with~~  
1723 ~~Section [63H-7a-307](#);~~

1724 ~~[(16)]~~ ~~establish one or more advisory committees to the Radio Network Division in~~  
1725 ~~accordance with Section [63H-7a-405](#);~~

1726 ~~[(17)]~~ ~~establish one or more advisory committees to the Interoperability Division in~~  
1727 ~~accordance with Section [63H-7a-504](#);~~

1728 ~~[(18)]~~ ~~create, maintain and review annually a statewide, comprehensive multi-year~~  
1729 ~~strategic plan in consultation with state and local stakeholders, the 911 Advisory Committee~~  
1730 ~~created under Section [63H-7a-307](#), the Radio Network Advisory Committee created under~~

1731 Section ~~63H-7a-405~~, and the Interoperability Advisory Committee created under Section  
 1732 ~~63H-7a-504~~ that:]

1733       ~~[(a) coordinates the authority's activities and duties in the:]~~  
 1734       ~~[(i) 911 Division;]~~  
 1735       ~~[(ii) Radio Network Division;]~~  
 1736       ~~[(iii) Interoperability Division; and]~~  
 1737       ~~[(iv) Administrative Services Division; and]~~  
 1738       ~~[(b) includes a plan for:]~~  
 1739       ~~[(i) the communications network;]~~  
 1740       ~~[(ii) developing new systems;]~~  
 1741       ~~[(iii) expanding existing systems, including microwave and fiber optics based~~  
 1742 ~~systems;]~~  
 1743       ~~[(iv) statewide interoperability;]~~  
 1744       ~~[(v) statewide coordination; and]~~  
 1745       ~~[(vi) FirstNet standards; and]~~  
 1746       ~~[(c) the board updates before July 1 of each year;]~~  
 1747       ~~[(19) each year, after the board submits the strategic plan described in Subsection (18)~~  
 1748 ~~to the Legislature, issue a request for proposals if a request for proposals is necessary to carry~~  
 1749 ~~out the strategic plan; and]~~  
 1750       ~~[(20) on or before November 30, 2016, and on or before each November 30 thereafter,~~  
 1751 ~~submit the state's strategic plan to the Executive Offices and Criminal Justice Appropriations~~  
 1752 ~~Subcommittee and the Legislative Management Committee.]~~

1753       Section 15. Section **63H-7a-205** is amended to read:

1754       **63H-7a-205. Executive director -- Appointment -- Powers and duties.**

1755       The executive director shall:

1756       (1) (a) serve at the pleasure of the board; and

1757       (b) act as the executive officer of the authority;

1758       (2) administer the ~~[various acts, systems, plans]~~ duties, programs, and functions  
 1759 assigned to the ~~[office]~~ authority;

1760       (3) recommend administrative rules and policies to the board~~[, which are within the~~  
 1761 ~~authority granted by this title for the administration of the authority];~~

- 1762           (4) execute contracts on behalf of the authority;  
1763           ~~[(4)]~~ (5) recommend to the board any changes in [the] statutes affecting the authority;  
1764           ~~[(5)]~~ (6) recommend to the board an annual administrative budget covering  
1765 administration, management, and operations of the [public safety communications network  
1766 and, upon approval of the board, direct and control the subsequent expenditures of the budget;]  
1767 authority;  
1768           (7) with board approval, direct and control authority expenditures;  
1769           ~~[(6)]~~ (8) within the limitations of the budget, employ [staff] personnel, consultants, a  
1770 financial officer, and legal counsel to provide professional services and advice regarding the  
1771 administration of the authority; and  
1772           ~~[(7)]~~ (9) submit [an annual report, on or before November 1 of each year, to the  
1773 Executive Offices and] and make available to the public a report before December of each year  
1774 to the board, the Executive Offices and Criminal Justice Appropriations Subcommittee, and the  
1775 Legislative Management Committee[; which shall be available to the public and shall include]  
1776 that includes:  
1777           (a) the total aggregate surcharge collected by [~~local entities in~~] the state in the last  
1778 fiscal year under [~~Sections 69-2-5 and 69-2-5.6~~] Title 69, Chapter 2, Part 4, 911 Emergency  
1779 Service Charges;  
1780           (b) the amount of each disbursement from the restricted accounts[;] described in:  
1781           (i) Section 63H-7a-303;  
1782           (ii) Section 63H-7a-304; and  
1783           (iii) Section 63H-7a-403;  
1784           (c) the recipient of each disbursement, [~~or~~] the goods and services received,  
1785 [describing] and a description of the project [for which money was disbursed, or goods and  
1786 services provided] funded by the disbursement;  
1787           (d) [~~the conditions, if any, placed by a division, the authority, the executive director, or~~  
1788 ~~the board on~~] any conditions placed by the authority on the disbursements from a restricted  
1789 account;  
1790           (e) the anticipated expenditures from the restricted accounts described in this chapter  
1791 for the next fiscal year;  
1792           (f) the amount of any unexpended funds carried forward;

1793 (g) the goals for implementation of the authority strategic plan and the progress report  
 1794 of accomplishments and updates to the plan~~[-and a progress report of implementation of~~  
 1795 ~~statewide 911 emergency services, including:]; and~~

1796 ~~[(i) fund balance or balance sheet from the emergency telephone service fund of each~~  
 1797 ~~agency that has imposed a levy under Section 69-2-5;]~~

1798 ~~[(ii) a report from each public safety answering point of annual call activity separating~~  
 1799 ~~wireless and land-based 911 call volumes; and]~~

1800 ~~[(iii)]~~ (h) other relevant justification for ongoing support from the restricted accounts  
 1801 created by Sections 63H-7a-303, 63H-7a-304, and 63H-7a-403~~[-and].~~

1802 ~~[(h) the anticipated expenditures from the restricted accounts.]~~

1803 Section 16. Section 63H-7a-206 is repealed and reenacted to read:

1804 **63H-7a-206. Strategic plan.**

1805 (1) The authority shall create, maintain and review annually a statewide,  
 1806 comprehensive multiyear strategic plan in consultation with state and local stakeholders and  
 1807 the regional advisory committees created in Section 63H-7a-207 that:

1808 (a) coordinates the authority's activities and duties in the:

1809 (i) 911 Division;

1810 (ii) Radio Network Division;

1811 (iii) Interoperability Division; and

1812 (iv) Administrative Services Division; and

1813 (b) includes a plan for:

1814 (i) the public safety communications network;

1815 (ii) developing new systems;

1816 (iii) expanding existing systems, including microwave and fiber optics based systems;

1817 (iv) statewide interoperability;

1818 (v) statewide coordination; and

1819 (vi) FirstNet standards.

1820 (2) The executive director shall update the strategic plan described in Subsection (1)  
 1821 before July 1 of each year.

1822 (3) The executive director shall, before December 1 of each year, report on the strategic  
 1823 plan described in Subsection (1) to:

- 1824 (a) the board;
- 1825 (b) the Executive Offices and Criminal Justice Appropriations Subcommittee; and
- 1826 (c) the Legislative Management Committee.
- 1827 (4) The authority shall consider the strategic plan described in Subsection (1) before
- 1828 spending funds in the restricted accounts created by this chapter.

1829 Section 17. Section **63H-7a-207** is enacted to read:

1830 **63H-7a-207. Operations advisory committee.**

1831 (1) The board shall appoint an operations advisory committee composed of 19

1832 members as follows:

1833 (a) one representative each from:

1834 (i) an association that represents fire chiefs in the state;

1835 (ii) an association that represents police chiefs in the state;

1836 (iii) an association that represents sheriffs in the state;

1837 (iv) an association that represents emergency medical service personnel in the state;

1838 and

1839 (v) an association that represents public safety answering point professionals in the

1840 state;

1841 (b) the commissioner of Public Safety or the commissioner's designee;

1842 (c) the executive director of the Department of Transportation or the executive

1843 director's designee;

1844 (d) the chief information office of the Department of Technology Services or the chief

1845 information officer's designee;

1846 (e) the chair of each regional advisory committee created in Section [63H-7a-208](#);

1847 (f) an individual nominated by the representatives of tribal governments elected under

1848 Section [9-9-104.5](#); and

1849 (g) three individuals from the telecommunications or public safety communications

1850 industry.

1851 (2) The operations advisory committee shall:

1852 (a) review recommendations from the regional advisory committees described in

1853 Section [63H-7a-208](#); and

1854 (b) make recommendations to the board regarding:

- 1855 (a) authority operations and policies;
- 1856 (b) the authority strategic plan; and
- 1857 (c) the operation, maintenance, and capital development of the public safety
- 1858 communications network.
- 1859 (3) The operations advisory committee shall report to the board:
- 1860 (a) at least once each year; and
- 1861 (b) as often as necessary.
- 1862 Section 18. Section **63H-7a-208** is enacted to read:
- 1863 **63H-7a-208. Regional advisory committees.**
- 1864 (1) There are established seven regional advisory committees composed of at most 12
- 1865 members each, with one regional advisory committee each for:
- 1866 (a) the region composed of Box Elder, Cache, and Rich counties;
- 1867 (b) the region composed of Beaver, Garfield, Iron, Kane, and Washington counties;
- 1868 (c) the region composed of Summit, Utah, and Wasatch counties;
- 1869 (d) the region composed of Juab, Millard, Piute, Sanpete, Sevier, and Wayne counties;
- 1870 (e) the region composed of Carbon, Emery, Grand, and San Juan counties;
- 1871 (f) the region composed of Daggett, Duchesne, and Uintah counties; and
- 1872 (g) the region composed of Davis, Weber, Morgan, Salt Lake, and Tooele counties.
- 1873 (2) For each regional advisory committee described in Subsection (1), an association of
- 1874 governments representing the region served by the regional advisory committee shall appoint
- 1875 members to the regional advisory committee in accordance with Subsection (3).
- 1876 (3) An association of governments may appoint an individual to a regional advisory
- 1877 committee if the individual:
- 1878 (a) is at least one of the following:
- 1879 (i) a user of:
- 1880 (A) the statewide public safety communications network; or
- 1881 (B) a public safety radio system;
- 1882 (ii) an individual with experience:
- 1883 (A) in law enforcement;
- 1884 (B) in fire service; or
- 1885 (C) at a public safety answering point; or

1886 (iii) an individual in a leadership position that involves public safety communication;  
1887 and

1888 (b) is knowledgeable about the region of the state served by the regional advisory  
1889 committee.

1890 (4) In addition to the individuals appointed under Subsection (3), each association of  
1891 government shall appoint to each regional advisory committee at least one and up to two  
1892 individuals that represent the telecommunications or public safety communications industry.

1893 (5) Each regional advisory committee shall review, discuss, and make  
1894 recommendations to the executive director regarding:

1895 (a) the public safety communications network;

1896 (b) the interoperability of emergency response systems;

1897 (c) the trends and standards in the public safety industry and in public safety  
1898 technology;

1899 (d) the statewide strategic plan described in Section [63H-7a-206](#); and

1900 (e) the development of cooperative partnerships.

1901 (6) Each regional advisory committee shall meet:

1902 (a) as necessary to discuss the items described in Subsection (5); and

1903 (b) no fewer than two times in each year.

1904 (7) Each regional advisory committee shall report to the board:

1905 (a) before September 1 at least once each year regarding:

1906 (i) the regional advisory committee's findings during the year; and

1907 (ii) any recommendations from the regional advisory committee to the board; and

1908 (b) at any board meeting at which the regional advisory committee requests an  
1909 opportunity to report to the board.

1910 Section 19. Section **63H-7a-209** is enacted to read:

1911 **63H-7a-209. Public safety network user fees.**

1912 (1) The board may assess a service fee on a user of the public safety communications  
1913 network and systems related to the public safety communications network in an amount  
1914 determined in accordance with Section [63J-1-504](#).

1915 (2) Any service fee on a user of the public safety communications network assessed by  
1916 the authority before July 1, 2017, is repealed.

1917 Section 20. Section **63H-7a-302** is amended to read:

1918 **63H-7a-302. 911 Division duties and powers.**

1919 (1) The 911 Division shall:

1920 ~~[(a) review and make recommendations to the executive director:]~~

1921 ~~[(i) regarding:]~~

1922 ~~[(A)]~~ (a) develop and report to the director minimum standards and best practices for

1923 public safety answering points in the state, including minimum technical, administrative, fiscal,

1924 network, and operational standards ~~[for the implementation of unified statewide 911~~

1925 ~~emergency services]~~ for public safety answering points and dispatch centers in the state;

1926 ~~[(B)]~~ (b) investigate and report to the director on emerging technology; ~~[and]~~

1927 ~~[(C) expenditures from the restricted accounts created in Section 69-2-5.6 by the 911~~

1928 ~~Division on behalf of local public safety answering points in the state, with an emphasis on~~

1929 ~~efficiencies and coordination in a regional manner;]~~

1930 ~~[(ii) to assure]~~ (c) monitor and coordinate the implementation of [a] the unified

1931 statewide 911 emergency services network;

1932 ~~[(iii) to establish standards of operation throughout the state; and]~~

1933 ~~[(iv) regarding]~~ (d) investigate and recommend to the director mapping systems and

1934 technology necessary to implement the unified statewide 911 emergency services network;

1935 ~~[(b)]~~ (e) prepare and submit to the executive director for approval by the board:

1936 (i) an annual budget for the 911 Division;

1937 (ii) an annual plan for the ~~[programs]~~ projects funded by the Computer Aided Dispatch

1938 Restricted Account created in Section **63H-7a-303** and the Unified Statewide 911 Emergency

1939 Service Account created in Section **63H-7a-304**; and

1940 (iii) information required by the director to contribute to the ~~[comprehensive]~~ strategic

1941 plan described in ~~[Subsection 63H-7a-204(18)]~~ Section 63H-7a-206;

1942 ~~[(c) assist local Utah public safety answering points with the implementation and~~

1943 ~~coordination of the 911 Division responsibilities as approved by the executive director and the~~

1944 ~~board;]~~

1945 ~~[(d) reimburse the state's Automated Geographic Reference Center in the Division of~~

1946 ~~Integrated Technology of the Department of Technology Services, an amount equal to 1 cent~~

1947 ~~per month levied on telecommunications service under Section 69-2-5.6 to enhance and~~

1948 upgrade digital mapping standards for unified statewide 911 emergency service as required by  
1949 the division; and]

1950 [~~(e) fulfill all other duties imposed on the 911 Division by this chapter.~~]

1951 (f) assist public safety answering points implementing and coordinating the unified  
1952 statewide 911 emergency services network; and

1953 (g) coordinate the development of an interoperable computer aided dispatch platform:

1954 (i) for public safety answering points; and

1955 (ii) where needed, to assist public safety answering points with the creation or  
1956 integration of the interoperable computer aided dispatch system.

1957 (2) The 911 Division may recommend to the executive director to sell, lease, or  
1958 otherwise dispose of equipment or personal property purchased, leased, or belonging to the  
1959 authority that is related to funds expended from the [~~restricted account created in Sections~~  
1960 ~~69-2-5.5 and 69-2-5.6~~] Computer Aided Dispatch Restricted Account created in Section  
1961 63H-7a-303 or the Unified Statewide 911 Emergency Service Account created in Section  
1962 63H-7a-304, the proceeds from which shall return to the respective restricted accounts.

1963 (3) The 911 Division may make recommendations to the executive director [~~to own;~~  
1964 ~~operate, or enter into contracts~~] for the use of the funds expended from the [~~restricted account~~  
1965 ~~created in Section 69-2-5.5~~] Computer Aided Dispatch Restricted Account created in Section  
1966 63H-7a-303.

1967 (4) (a) The 911 Division shall review information regarding:

1968 (i) in aggregate, the number of service subscribers by service type in a political  
1969 subdivision;

1970 (ii) network costs;

1971 (iii) public safety answering point costs;

1972 (iv) system engineering information; and

1973 (v) [~~a~~] connectivity between public safety answering point computer aided dispatch  
1974 [system] systems.

1975 (b) In accordance with Subsection (4)(a) the 911 Division may request:

1976 (i) information as described in Subsection (4)(a)(i) from the State Tax Commission;  
1977 and

1978 (ii) information from public safety answering points related to the computer aided

1979 dispatch system.

1980 (c) The information requested by and provided to the 911 Division under Subsection  
1981 (4) is a protected record in accordance with Section [63G-2-305](#).

1982 (5) The 911 Division shall recommend to the executive director, for approval by the  
1983 board, rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

1984 (a) administer the program funded by the Unified Statewide 911 Emergency Service  
1985 restricted account created in Section [63H-7a-304](#), including rules that establish the criteria,  
1986 standards, technology, and equipment that a public safety answering point [~~in Utah must~~] is  
1987 required to adopt in order to qualify for goods or services that are funded from the restricted  
1988 account; and

1989 (b) administer the Computer Aided Dispatch Restricted Account created in Section  
1990 [63H-7a-303](#), including rules that establish the criteria, standards, technology, and equipment  
1991 that a public safety answering point [~~must~~] is required to adopt in order to qualify as a recipient  
1992 of goods or services that are funded from the restricted account.

1993 (6) The board may authorize the 911 Division to employ an outside consultant to study  
1994 and advise the division on matters related to the 911 Division duties regarding the public safety  
1995 communications network.

1996 (7) This section does not expand the authority of the State Tax Commission to request  
1997 additional information from a telecommunication service provider.

1998 Section 21. Section [63H-7a-303](#) is amended to read:

1999 **[63H-7a-303. Computer Aided Dispatch Restricted Account -- Creation --](#)**  
2000 **[Administration -- Permitted uses.](#)**

2001 (1) There is created a restricted account within the General Fund known as the  
2002 "Computer Aided Dispatch Restricted Account," consisting of:

2003 [~~(a) proceeds from the fee imposed in Section [69-2-5.5](#);~~]

2004 [~~(b)~~] (a) money appropriated or otherwise made available by the Legislature; and

2005 [~~(c)~~] (b) contributions of money from federal agencies, political subdivisions of the  
2006 state, persons, or corporations.

2007 [~~(2) The money in this restricted account shall be used exclusively for the following~~  
2008 ~~statewide public purposes:~~]

2009 (2) Subject to this Subsection (2) and appropriations by the Legislature, the authority

2010 may expend funds in the Computer Aided Dispatch Restricted Account for the following  
2011 purposes:

2012 (a) enhancing public safety as provided in this chapter; and

2013 (b) creating a shared computer aided dispatch system including:

2014 (i) an interoperable computer aided dispatch platform that will be selected, shared, or  
2015 hosted on a statewide or regional basis;

2016 (ii) an interoperable computer aided dispatch platform selected by a county of the first  
2017 class, when:

2018 (A) authorized through an interlocal agreement between the county's two primary  
2019 public safety answering points; and

2020 (B) the county's computer aided dispatch platform is capable of interfacing with the  
2021 platform described in Subsection (2)(b)(i); and

2022 (iii) a statewide computer aided dispatch system data sharing platform to provide  
2023 interoperability of systems.

2024 ~~[(3)(a) The 911 Division shall coordinate the development of an interoperable CAD to~~  
2025 ~~CAD platform:]~~

2026 ~~[(i) for public safety answering points; and]~~

2027 ~~[(ii) where needed, to assist public safety answering points with the creation or~~  
2028 ~~integration of the interoperable computer aided dispatch system:]~~

2029 ~~[(b) The Administrative Services Division shall, in accordance with Section~~  
2030 ~~63H-7a-602:]~~

2031 ~~[(i) annually report to the executive director the 911 Division's authorized~~  
2032 ~~disbursements from the restricted account;]~~

2033 ~~[(ii) be responsible for the care, custody, safekeeping, collection, and accounting for~~  
2034 ~~disbursements; and]~~

2035 ~~[(iii) submit an annual report to the executive director, which shall include:]~~

2036 ~~[(A) the amount of each disbursement from the restricted account;]~~

2037 ~~[(B) the recipient of each disbursement and a description of the project for which~~  
2038 ~~money was disbursed;]~~

2039 ~~[(C) the conditions, if any, placed by the 911 Division, the board, or the Administrative~~  
2040 ~~Services Division on disbursements from the amount appropriated from the restricted account;]~~

2041 ~~[(D) the planned expenditures from the restricted account for the next fiscal year; and]~~

2042 ~~[(E) the amount of any unexpended funds carried forward.]~~

2043 ~~[(4) (a) The Administrative Services Division may request information from a public~~  
2044 ~~safety answering point as necessary to prepare the report required by this section.]~~

2045 ~~[(b) A recipient of goods or services under this section shall provide the information~~  
2046 ~~requested pursuant to Subsection (4)(a).]~~

2047 ~~[(5) Subject to appropriation, the Administrative Services Division, created in Section~~  
2048 ~~63H-7a-601, may charge the administrative costs incurred in discharging the responsibilities~~  
2049 ~~imposed by this section.]~~

2050 ~~[(6) Subject to an annual legislative appropriation from the restricted account to the~~  
2051 ~~Administrative Services Division, the Administrative Services Division shall disburse the~~  
2052 ~~money in the fund, based on the authorization of the board and the 911 Division under~~  
2053 ~~Subsection 63H-7a-302(5).]~~

2054 (3) Subject to an appropriation by the Legislature and approval by the board, the  
2055 Administrative Services Division may expend funds from the Computer Aided Dispatch  
2056 Restricted Account to cover the Administrative Services Division's administrative costs related  
2057 to the Computer Aided Dispatch Restricted Account.

2058 (4) On July 1, 2022, all funds in the Computer Aided Dispatch Restricted Account  
2059 shall automatically transfer to the Unified Statewide 911 Emergency Service Account created  
2060 in Section 63H-7a-304.

2061 Section 22. Section 63H-7a-304 is amended to read:

2062 **63H-7a-304. Unified Statewide 911 Emergency Service Account -- Creation --**  
2063 **Administration -- Permitted uses.**

2064 (1) There is created a restricted account within the General Fund known as the "Unified  
2065 Statewide 911 Emergency Service Account," consisting of:

2066 (a) proceeds from the fee imposed in Section ~~[69-2-5.6]~~ 69-2-403;

2067 (b) money appropriated or otherwise made available by the Legislature; and

2068 (c) contributions of money, property, or equipment from federal agencies, political  
2069 subdivisions of the state, persons, or corporations.

2070 ~~[(2) The money in this restricted account shall be used exclusively for the statewide~~  
2071 ~~public]~~

2072 (2) (a) Except as provided in Subsection (4) and subject to Subsection (3) and  
2073 appropriations by the Legislature, the authority may disburse funds in the Unified Statewide  
2074 911 Emergency Service Account for the purpose of enhancing the statewide public safety  
2075 communications network [~~related to the rapid and efficient delivery of~~] in order to rapidly and  
2076 efficiently deliver 911 services in the state.

2077 (b) In expending funds in the Unified Statewide 911 Emergency Service Account, the  
2078 authority shall give a higher priority to an expenditure that:

2079 (i) best promotes statewide public safety;

2080 (ii) best promotes interoperability;

2081 (iii) impacts the largest service territory;

2082 (iv) impacts a densely populated area; or

2083 (v) impacts an underserved area.

2084 (c) The authority shall expend funds in the Unified Statewide 911 Emergency Service  
2085 Account in accordance with the authority strategic plan described in Section [63H-7a-206](#).

2086 (d) The executive director shall recommend to the board expenditures for the authority  
2087 to make from the Unified Statewide 911 Emergency Service Account in accordance with this  
2088 Subsection (2).

2089 (3) Subject to an [~~annual legislative~~] appropriation [~~from the restricted account to the~~  
2090 Administrative Services Division] by the Legislature and approval by the board, the  
2091 Administrative Services Division [~~shall disburse the money~~] may use funds in the [fund, based  
2092 on the authorization of the board and the 911 Division under Subsection [63H-7a-302\(5\)](#).]  
2093 Unified Statewide 911 Emergency Service Account to cover the Administrative Services  
2094 Division's administrative costs related to the Unified Statewide 911 Emergency Service  
2095 Account.

2096 (4) (a) The authority shall reimburse from the Unified Statewide 911 Emergency  
2097 Service Account to the Automated Geographic Reference Center created in Section [63F-1-506](#)  
2098 an amount equal to up to 1 cent of each unified statewide 911 emergency service charge  
2099 deposited into the Unified Statewide 911 Emergency Service Account under Section [69-2-402](#).

2100 (b) The Automated Geographic Reference Center shall use the funds reimbursed to the  
2101 Automated Geographic Reference Center under Subsection (4)(a) to:

2102 (i) enhance and upgrade digital mapping standards; and

2103 (ii) maintain a statewide geospatial database for unified statewide 911 emergency  
2104 service.

2105 Section 23. Section **63H-7a-403** is amended to read:

2106 **63H-7a-403. Utah Statewide Radio System Restricted Account -- Creation --**  
2107 **Administration.**

2108 (1) There is created a restricted account within the General Fund known as the "Utah  
2109 Statewide Radio System Restricted Account," consisting of:

2110 (a) money appropriated or otherwise made available by the Legislature; and

2111 (b) contributions of money from federal agencies, political subdivisions of the state,  
2112 persons, or corporations.

2113 [~~(2) The money in this restricted account shall be used exclusively for the statewide~~]

2114 (2) (a) Subject to appropriations by the Legislature and subject to this Subsection (2),  
2115 the authority may expend funds in the Utah Statewide Radio System Restricted Account for the  
2116 purpose of acquiring, constructing, operating, maintaining, and repairing a statewide radio  
2117 system public safety communications network as authorized in Section 63H-7a-202, including:

2118 [~~(a)~~] (i) public safety communications network and related facilities, real property,  
2119 improvements, and equipment necessary for the acquisition, construction, and operation of  
2120 services and facilities;

2121 [~~(b)~~] (ii) installation, implementation, and maintenance of the public safety  
2122 communications network;

2123 [~~(c)~~] (iii) maintaining [the] and upgrading VHF and 800 MHz radio networks; and

2124 [~~(d)~~] (iv) an operating budget to include personnel costs not otherwise covered by  
2125 funds from another account.

2126 (b) For each radio network charge that is deposited into the Utah Statewide Radio  
2127 System Restricted Account under Section 69-2-404, the authority shall spend, subject to an  
2128 appropriation by the Legislature and this Subsection (2):

2129 (i) on and after July 1, 2017, 18 cents of each total radio network charge to maintain  
2130 the public safety communications network, including:

2131 (A) the 800 MHz and VHF radio networks;

2132 (B) radio console network connectivity;

2133 (C) funding a statewide interoperability coordinator; and

2134 (D) supplementing costs formerly offset by public safety communications network user  
2135 fees assessed by the authority before July 1, 2017; and

2136 (ii) on and after January 1, 2018, 20 cents of each total radio network charge to acquire,  
2137 construct, equip, and install property for, and to make improvements to, the 800 MHz radio  
2138 system including debt service costs.

2139 (c) In expending funds in the Utah Statewide Radio System Restricted Account, the  
2140 authority shall give a higher priority to an expenditure that:

2141 (i) best promotes statewide public safety;

2142 (ii) best promotes interoperability;

2143 (iii) impacts the largest service territory;

2144 (iv) impacts a densely populated area; or

2145 (v) impacts an underserved area.

2146 (d) The authority shall expend funds in the Utah Statewide Radio System Restricted  
2147 Account in accordance with the authority strategic plan described in Section [63H-7a-206](#).

2148 (e) The executive director shall recommend to the board expenditures for the authority  
2149 to make from the Utah Statewide Radio System Restricted Account in accordance with this  
2150 Subsection (2).

2151 (3) ~~[(a)]~~ Subject to ~~[appropriation]~~ appropriations by the Legislature, the  
2152 Administrative Services Division~~[-, created in Section [63H-7a-601](#) may charge the]~~ may expend  
2153 funds in the Utah Statewide Radio System Restricted Account for administrative costs  
2154 ~~[incurred in discharging the responsibilities imposed by this section]~~ that the Administrative  
2155 Services Division incurs related to the Utah Statewide Radio System Restricted Account.

2156 ~~[(b) Subject to an annual legislative appropriation from the restricted account to the~~  
2157 ~~Administrative Services Division, the Administrative Services Division shall disburse the~~  
2158 ~~money in the fund, based on the authorization of the board and the Radio Network Division~~  
2159 ~~under Subsection [63H-7a-402\(1\)\(d\)](#).]~~

2160 Section 24. Section **63H-7a-404** is amended to read:

2161 **63H-7a-404. Public safety communications network -- Maintenance -- Upgrade --**  
2162 **Comprehensive plan -- Stakeholder meeting -- Report.**

2163 (1) The Radio Network Division shall~~[-(a)(i)]~~ administer the development,  
2164 installation, implementation, and maintenance of the ~~[Utah Statewide Public Safety~~

2165 ~~Communications network system]~~ public safety communications network for the authority[;],  
2166 for the benefit of state government entities and political subdivisions of the state that use the  
2167 public safety communications network.

2168 ~~[(ii) spend up to \$1,500,000 of the one-time appropriation in fiscal year 2015-16 for a~~  
2169 ~~study, the scope of which shall be determined by the board based on the advice of the Radio~~  
2170 ~~Network Division, the 911 Division, and the executive director, to complete a detailed design~~  
2171 ~~and planning proposal for the upgrade and expansion of all phases of the public safety~~  
2172 ~~communication network, which shall include at least:]~~

2173 ~~[(A) the system design for the state backbone and the implications of local coverage;]~~

2174 ~~[(B) whether other public safety communications networks can be integrated with the~~  
2175 ~~state backbone;]~~

2176 ~~[(C) estimates of the full cost of completing the state backbone to specified standards,~~  
2177 ~~local subsystems, and the potential advantages of using a request for proposal approach to~~  
2178 ~~solicit private and public sector participation in the project;]~~

2179 ~~[(D) a financial analysis estimating funds necessary to cover debt service of revenue~~  
2180 ~~bonds issued to finance the cost of completing the statewide radio system upgrade and~~  
2181 ~~expansion; and]~~

2182 ~~[(E) a review of the project governance and implementation; and]~~

2183 ~~[(iii) spend the remainder of the one-time appropriation in the 2015-16 fiscal year:]~~

2184 ~~[(A) for exigent circumstances related to the public safety communications network;]~~

2185 ~~[(B) to purchase dispatch radio consoles; and]~~

2186 ~~[(C) for other needs identified within the detailed design proposal.]~~

2187 ~~[(b) The one-time appropriation in the 2015-16 fiscal year to the Radio Network~~  
2188 ~~Division is non-lapsing.]~~

2189 ~~[(c) (i) When the study under Subsection (1)(a) is complete, the board shall report to~~  
2190 ~~the Legislative Executive Appropriations Committee, which shall study appropriate funding~~  
2191 ~~mechanisms for upgrade and maintenance of the statewide radio system network.]~~

2192 ~~[(ii) The division shall annually report to the executive director and the board the~~  
2193 ~~Radio Network Division's authorized disbursements from the restricted account.]~~

2194 ~~[(2) Current radio user fees imposed by the authority may be repealed on July 1, 2016,~~  
2195 ~~contingent upon an ongoing funding source being established for the construction of a new~~

2196 ~~public safety communications network and the operation and maintenance of the authority.]~~  
2197  ~~[(3) In accordance with Section 63H-7a-603, the Administrative Services Division is~~  
2198  ~~responsible for the care, custody, safekeeping, collection, and accounting for disbursements~~  
2199  ~~from the Utah Statewide Radio System Restricted Account and shall submit an annual report to~~  
2200  ~~the executive director for approval by the board.]~~

2201 (2) In developing and maintaining the public safety communications network as  
2202 described in Subsection (1), the Radio Network Division shall:

2203 (a) maintain and upgrade existing VHF and 800 MHz radio networks;

2204 (b) coordinate with state government entities, political subdivisions of the state, and  
2205 with public and private providers; and

2206 (c) contract for facilities, equipment, and services for the public safety communications  
2207 network in a manner that:

2208 (i) complies with Title 63G, Chapter 6a, Utah Procurement Code;

2209 (ii) promotes high-quality, cost-effective services for public safety communications  
2210 network users;

2211 (iii) evaluates the costs and benefits of using existing public or private facilities,  
2212 equipment, or services or developing or establishing new facilities, equipment, or services;

2213 (iv) where economically beneficial without compromising quality or reliability of  
2214 service, avoids duplicating existing private or public facilities, equipment, or services; and

2215 (v) considers the plan developed under Subsection (3).

2216 (3) The Radio Network Division and the executive director shall, before January 15,  
2217 2018, meet with all public safety communications network stakeholders, including public and  
2218 private providers in the state, to:

2219 (a) identify the locations and functional capabilities of existing public and private  
2220 communications facilities in the state; and

2221 (b) develop a detailed, comprehensive plan for:

2222 (i) repairing and maintaining the existing public safety communications network; and

2223 (ii) upgrading the public safety communications network.

2224 (4) The plan described in Subsection (3) shall include:

2225 (a) a statewide system design;

2226 (b) anticipated coverage maps;

2227 (c) any public and private communications facilities that can be integrated with the  
2228 public safety communications network; and

2229 (d) a detailed cost estimate for maintaining or upgrading the public safety  
2230 communications network.

2231 (5) In addition to meeting with stakeholders under Subsection (2), the authority shall  
2232 issue a request for information for maintaining or upgrading the public safety communications  
2233 network such that the authority receives all request for information responses before January  
2234 15, 2018.

2235 Section 25. Section **63H-7a-502** is amended to read:

2236 **63H-7a-502. Interoperability Division duties.**

2237 (1) The Interoperability Division shall:

2238 (a) review and make recommendations to the executive director, for approval by the  
2239 board, regarding:

2240 (i) statewide interoperability coordination and FirstNet standards;

2241 (ii) technical, administrative, fiscal, technological, network, and operational issues for  
2242 the implementation of statewide interoperability, coordination, and FirstNet;

2243 (iii) assisting [~~local~~] public agencies with the implementation and coordination of the  
2244 Interoperability Division responsibilities; and

2245 (iv) training for the public safety communications network and unified statewide 911  
2246 emergency services;

2247 (b) review information and records regarding:

2248 (i) aggregate information of the number of service subscribers by service type in a  
2249 political subdivision;

2250 (ii) matters related to statewide interoperability coordination;

2251 (iii) matters related to FirstNet including advising the governor regarding FirstNet; and

2252 (iv) training needs;

2253 (c) prepare and submit to the executive director for approval by the board:

2254 (i) an annual plan for the Interoperability Division; and

2255 (ii) information required by the director to contribute to the comprehensive strategic  
2256 plan described in [~~Subsection~~] Section 63H-7a-204~~(18)~~; and

2257 (d) fulfill all other duties imposed on the Interoperability Division by this chapter.

2258 (2) The Interoperability Division may:  
2259 (a) recommend to the executive director to own, operate, or enter into contracts related  
2260 to statewide interoperability, FirstNet, and training;  
2261 (b) request information needed under Subsection (1)(b)(i) from:  
2262 (i) the State Tax Commission; and  
2263 (ii) public safety agencies; and  
2264 (c) employ an outside consultant to study and advise the Interoperability Division on:  
2265 (i) issues of statewide interoperability;  
2266 (ii) FirstNet; and  
2267 (iii) training~~[-and]~~.  
2268 [~~d~~] request the board to appoint an advisory committee in accordance with Section  
2269 [63H-7a-504](#).]

2270 (3) The information requested by and provided to the Interoperability Division under  
2271 Subsection (1)(b)(i) is a protected record in accordance with Section [63G-2-305](#).

2272 (4) This section does not expand the authority of the State Tax Commission to request  
2273 additional information from a telecommunication service provider.

2274 Section 26. Section **63H-7a-601** is amended to read:

2275 **63H-7a-601. Administrative Services Division -- Creation -- Legal services.**

2276 (1) This part is known as ~~[the]~~ "Administrative Services Division."

2277 (2) There is created within the authority the Administrative Services Division.

2278 (3) The Administrative Services Division shall provide financial and human resources  
2279 assistance to the authority under the direction of the board and the executive director.

2280 (4) At the board's request and with the board's approval, the Administrative Services  
2281 Division ~~[shall]~~ may establish or contract for legal services for the authority.

2282 Section 27. Section **63H-7a-602** is repealed and reenacted to read:

2283 **63H-7a-602. Duties -- Administrative Services Division -- Accounting for**  
2284 **authority disbursements.**

2285 The Administrative Services Division is responsible for the care, custody, safekeeping,  
2286 collection, and accounting for disbursements made by the authority under:

2287 (1) Section [63H-7a-303](#);

2288 (2) Section [63H-7a-304](#); and

2289 (3) Section 63H-7a-403.

2290 Section 28. Section **63H-7a-603** is amended to read:

2291 **63H-7a-603. Financial officer -- Duties.**

2292 (1) The executive director shall appoint a financial officer for the Administrative  
2293 Services Division with the approval of the board.

2294 (2) The financial officer shall be responsible for accounting for the authority,  
2295 including:

2296 (a) safekeeping and investment of public funds of the authority, including the funds  
2297 expended from the restricted accounts created in [~~Sections 69-2-5.5, 69-2-5.6, 69-2-5.7, and~~  
2298 ~~69-2-5.8~~] this chapter;

2299 (b) the proper collection, deposit, disbursement, and management of the public funds  
2300 of the authority in accordance with Title 51, Chapter 7, State Money Management Act;

2301 (c) having authority to sign all bills payable, notes, checks, drafts, warrants, or other  
2302 negotiable instruments in the absence of the executive director and the executive director's  
2303 designated employee;

2304 (d) providing to the board and the executive director a statement of the condition of the  
2305 finances of the authority, at least annually and at such other times as shall be requested by the  
2306 board; and

2307 (e) performing all other duties incident to the financial officer.

2308 [~~2~~] (3) The financial officer shall:

2309 (a) be bonded in an amount established by the State Money Management Council; and

2310 (b) file written reports with the State Money Management Council pursuant to Section  
2311 51-7-15.

2312 Section 29. Section **63H-7a-701** is repealed and reenacted to read:

2313 **Part 7. Investment of Authority Funds**

2314 **63H-7a-701. Investment of authority funds.**

2315 (1) The state treasurer shall invest all money held on deposit by or on behalf of the  
2316 authority.

2317 (2) The board may provide advice to the state treasurer concerning investment of the  
2318 money of the authority.

2319 Section 30. Section **63H-7a-803** is amended to read:

2320 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**

2321 (1) The Utah Communications Authority is exempt from:

2322 (a) Title 63A, Utah Administrative Services Code, except as provided in Section  
2323 [63A-4-205.5](#);

2324 (b) Title 63G, Chapter 4, Administrative Procedures Act; and

2325 [~~(c) Title 63J, Chapter 1, Budgetary Procedures Act; and]~~

2326 [~~(d)~~] (c) Title 67, Chapter 19, Utah State Personnel Management Act.

2327 (2) (a) The board shall adopt budgetary procedures, accounting, and personnel and  
2328 human resource policies substantially similar to those from which they have been exempted in  
2329 Subsection (1).

2330 (b) The authority, the board, and the committee members are subject to Title 67,  
2331 Chapter 16, Utah Public Officers' and Employees' Ethics Act.

2332 (c) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act.

2333 (d) The authority is subject to Title 63G, Chapter 6a, Utah Procurement Code.

2334 (e) The authority is subject to Title 63J, Chapter 1, Budgetary Procedures Act.

2335 (3) Subject to the requirements of Subsection [63E-1-304\(2\)](#), the administration may  
2336 participate in coverage under the Risk Management Fund created by Section [63A-4-201](#).

2337 Section 31. Section **63I-1-269** is amended to read:

2338 **63I-1-269. Repeal dates, Title 69.**

2339 Section [~~69-2-5.6~~] [69-2-403](#), emergency services telecommunications charge to fund  
2340 unified statewide 911 emergency service, is repealed July 1, 2021.

2341 Section 32. Section **63I-2-263** is amended to read:

2342 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

2343 (1) Section [63A-5-227](#) is repealed on January 1, 2018.

2344 (2) Section [63H-7a-303](#) is repealed on July 1, 2022.

2345 [~~(2)~~] (3) Subsection [63N-3-109\(2\)\(f\)\(i\)\(B\)](#) is repealed July 1, 2020.

2346 [~~(3)~~] (4) Section [63N-3-110](#) is repealed July 1, 2020.

2347 Section 33. Section **63J-1-602.4** is amended to read:

2348 **63J-1-602.4. List of nonlapsing funds and accounts -- Title 61 through Title 63N.**

2349 (1) Funds paid to the Division of Real Estate for the cost of a criminal background  
2350 check for a mortgage loan license, as provided in Section [61-2c-202](#).

- 2351 (2) Funds paid to the Division of Real Estate for the cost of a criminal background  
2352 check for principal broker, associate broker, and sales agent licenses, as provided in Section  
2353 [61-2f-204](#).
- 2354 (3) Certain funds donated to the Department of Human Services, as provided in  
2355 Section [62A-1-111](#).
- 2356 (4) Appropriations from the National Professional Men's Basketball Team Support of  
2357 Women and Children Issues Restricted Account created in Section [62A-1-202](#).
- 2358 (5) Certain funds donated to the Division of Child and Family Services, as provided in  
2359 Section [62A-4a-110](#).
- 2360 (6) Appropriations from the Choose Life Adoption Support Restricted Account created  
2361 in Section [62A-4a-608](#).
- 2362 (7) Appropriations to the Division of Services for People with Disabilities, as provided  
2363 in Section [62A-5-102](#).
- 2364 (8) Appropriations to the Division of Fleet Operations for the purpose of upgrading  
2365 underground storage tanks under Section [63A-9-401](#).
- 2366 (9) A portion of the funds appropriated to the Utah Seismic Safety Commission, as  
2367 provided in Section [63C-6-104](#).
- 2368 (10) Funds appropriated or collected for publishing the Office of Administrative Rules'  
2369 publications, as provided in Section [63G-3-402](#).
- 2370 (11) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 2371 (12) Money received by the military installation development authority, as provided in  
2372 Section [63H-1-504](#).
- 2373 (13) Appropriations from the Computer Aided Dispatch Restricted Account created in  
2374 Section [63H-7a-303](#).
- 2375 (14) Appropriations from the Unified Statewide 911 Emergency Service Account  
2376 created in Section [63H-7a-304](#).
- 2377 (15) Appropriations from the Utah Statewide Radio System Restricted Account created  
2378 in Section [63H-7a-403](#).
- 2379 [~~13~~] (16) Appropriations to the Utah Science Technology and Research Initiative  
2380 created in Section [63M-2-301](#).
- 2381 [~~14~~] (17) Appropriations to fund the Governor's Office of Economic Development's

2382 Enterprise Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

2383 ~~[(+5)]~~ (18) The Motion Picture Incentive Account created in Section 63N-8-103.

2384 ~~[(+6)]~~ (19) Certain money payable for commission expenses of the Pete Suazo Utah

2385 Athletic Commission, as provided under Section 63N-10-301.

2386 Section 34. Section 69-2-101, which is renumbered from Section 69-2-1 is renumbered  
2387 and amended to read:

2388 **CHAPTER 2. 911 EMERGENCY SERVICE**

2389 **Part 1. General Provisions**

2390 ~~[69-2-1].~~ **69-2-101. Title.**

2391 This chapter is known as ~~[the "Emergency Telephone Service Law]~~ "911 Emergency  
2392 Service."

2393 Section 35. Section 69-2-102, which is renumbered from Section 69-2-2 is renumbered  
2394 and amended to read:

2395 ~~[69-2-2].~~ **69-2-102. Definitions.**

2396 As used in this chapter:

2397 (1) "911 emergency communication" means a direct 911 communication received by a  
2398 public safety answering point.

2399 ~~[(+)]~~ (2) "911 emergency service" means a unified statewide communication system  
2400 ~~[which provides citizens with rapid]~~ that provides a user with direct access to a public safety  
2401 answering [points] point by dialing or accessing ["911" with the objective of reducing the  
2402 response time to situations requiring law enforcement, fire, medical, rescue, and other  
2403 emergency services] 911.

2404 (3) (a) "Access line" means a circuit-switched connection, or the functional equivalent  
2405 of a circuit-switched connection, from an end user to the public switched network.

2406 (b) "Access line" includes:

2407 (i) a local exchange service switched access line within the state;

2408 (ii) a revenue producing radio communications access line with a billing address within  
2409 the state; and

2410 (iii) a line provided by a service, including voice over Internet protocol, to a user with  
2411 an address within the state, that allows the user to receive a call that originates on the public  
2412 switched network and terminate a call to the public switched network.

2413 (4) "Commission" means the State Tax Commission.

2414 (5) "Dispatch center" means the same as that term is defined in Section [63H-7a-103](#).

2415 ~~[(2)]~~ (6) "Local exchange service" means the provision of public telecommunications  
2416 services by a wireline common carrier to customers within a geographic area encompassing one  
2417 or more local communities as described in the carrier's service territory maps, tariffs, price lists,  
2418 or rate schedules filed with and approved by the Public Service Commission.

2419 ~~[(3)]~~ (7) "Local exchange service switched access line" means the transmission facility  
2420 and local switching equipment used by a wireline common carrier to connect a customer  
2421 location to a carrier's local exchange switching network for providing two-way interactive  
2422 voice, or voice capable, services.

2423 ~~[(4)]~~ (8) "Mobile telecommunications service" ~~[is as defined in Section [54-8b-2](#)]~~ means  
2424 the same as that term is defined in 4 U.S.C. Sec. 124.

2425 ~~[(5)]~~ (9) "Public agency" means ~~[any county, city, town, special service district, or~~  
2426 ~~public authority located within the state which]~~ a state government entity, a political  
2427 subdivision of the state, a special service district, or an entity created by interlocal agreement  
2428 that provides or has authority to provide fire fighting, law enforcement, ambulance, medical, or  
2429 other emergency services.

2430 ~~[(6)]~~ (10) "Public safety agency" means a functional division of a public agency which  
2431 provides fire fighting, law enforcement, medical, or other emergency services.

2432 ~~[(7)]~~ (11) "Public safety answering point" means the same as that term is defined in  
2433 Section [63H-7a-203](#).

2434 ~~[(8)]~~ (12) "Public switched [~~telecommunications~~] network" ~~[means the network of~~  
2435 ~~equipment, lines, and controls assembled to establish communication paths between calling~~  
2436 ~~and called parties in North America]~~ means the same as that term is defined in 47 C.F.R. Sec.  
2437 20.3.

2438 ~~[(9)]~~ (13) "Radio communications access line" means the radio equipment and  
2439 assigned customer identification number used to connect a mobile or fixed radio customer in  
2440 Utah to a radio communication service provider's network for two-way interactive voice, or  
2441 voice capable, services.

2442 ~~[(10)]~~ (14) (a) "Radio communications service" means a public telecommunications  
2443 service providing the capability of two-way interactive telecommunications between mobile

2444 and fixed radio customers, and between mobile or fixed radio customers and the local  
2445 exchange service network customers of a wireline common carrier.

2446 (b) "Radio communications service" [~~providers include corporations, persons or~~  
2447 ~~entities offering~~] includes:

2448 (i) cellular telephone service[;];

2449 (ii) enhanced specialized mobile radio service[;];

2450 (iii) rural radio service[;];

2451 (iv) a radio common carrier [~~services;~~];

2452 (v) a personal communications [~~services, and any equivalent~~] service; and

2453 (vi) any wireless public telecommunications service equivalent to the services

2454 described in this Subsection (14)(b), as defined in 47 CFR, parts 20, 22, 24, and 90.

2455 [~~(11)~~] (15) "Voice over Internet protocol service" [~~is as~~] means the same as that term is  
2456 defined in Section 54-19-102.

2457 [~~(12)~~] (16) "Wireline common carrier" means a public telecommunications service  
2458 provider that primarily uses metallic or nonmetallic cables and wires for connecting customers  
2459 to its local exchange service networks.

2460 Section 36. Section **69-2-201**, which is renumbered from Section 69-2-3 is renumbered  
2461 and amended to read:

2462 **Part 2. Public Safety Answering Points and Dispatch Centers**

2463 [~~69-2-3~~]. **69-2-201. Public safety answering point -- Establishment --**

2464 **Administration -- Consolidation.**

2465 [~~The governing authority of any]~~

2466 (1) (a) A public agency may [~~establish a 911 emergency service~~];

2467 (i) operate a public safety answering point to provide 911 emergency service to any  
2468 part [or all] of the [territory lying within the geographical] geographic area [of such] within the  
2469 public [agency and may join with the governing authority of] agency's jurisdiction;

2470 (ii) subject to Subsection (1)(b), operate a public safety answering point with any other  
2471 contiguous public agency to provide 911 emergency service to any part [or all of the territory  
2472 lying within their respective] of the geographic area within the public agencies' jurisdictions[;];

2473 or

2474 [~~A county may provide 911 emergency service within other public safety agency jurisdictions~~

2475 ~~only upon agreement with the governing authority of such public safety agency.]~~  
2476 (iii) operate a public safety answering point under an agreement with another public  
2477 agency that existed before January 1, 2017, to provide 911 emergency service to any part of the  
2478 geographic area within the public agencies jurisdictions.  
2479 (b) A public agency that operates a public safety answering point in connection with a  
2480 contiguous public agency shall:  
2481 (i) provide for the operation of the public safety answering point by interlocal  
2482 agreement between the public agencies; and  
2483 (ii) submit a copy of the interlocal agreement to the director of the Utah  
2484 Communications Authority.  
2485 (2) Except as provided in Subsection (3), a public agency may not establish a dispatch  
2486 center or a public safety answering point after January 1, 2017.  
2487 (3) (a) A public agency that operates a public safety answering point established before  
2488 January 1, 2017, may:  
2489 (i) continue to operate the public safety answering point; or  
2490 (ii) physically consolidate the public safety answering point with another public safety  
2491 answering point operated by another contiguous public agency.  
2492 (b) A county may establish a public safety answering point on or after January 1, 2017,  
2493 if no public safety answering point exists in the county.  
2494 (4) A public agency may, in order to provide funding for operating a public safety  
2495 answering point:  
2496 (a) seek funds from the federal or state government;  
2497 (b) seek funds appropriated by local governmental taxing authorities to fund a public  
2498 safety agency; or  
2499 (c) seek gifts, donations, or grants from a private entity.  
2500 (5) Before July 1, 2017, each dispatch center in the state shall enter into an interlocal  
2501 agreement with the governing authority of a public safety answering point that serves the  
2502 county where the dispatch center is located that provides for:  
2503 (a) functional consolidation of the dispatch center with the public safety answering  
2504 point; and  
2505 (b) a plan for the public safety answering point to provide 911 emergency service to the

2506 geographic area served by the dispatch center.

2507 (6) A special service district that operates a public safety answering point or a dispatch  
2508 center:

2509 (a) shall administer the public safety answering point or dispatch center in accordance  
2510 with Title 17D, Chapter 1, Special Service District Act; and

2511 (b) may raise funds, borrow money, or incur indebtedness for the purpose of  
2512 maintaining the public safety answering point or the dispatch center in accordance with:

2513 (i) Section [17D-1-105](#); and

2514 (ii) Section [17D-1-103](#).

2515 Section 37. Section **69-2-202** is enacted to read:

2516 **69-2-202. Dispatch services -- Public safety answering point -- Department of**  
2517 **Public Safety.**

2518 (1) A public safety answering point shall, before providing dispatch services to the  
2519 Department of Public Safety:

2520 (a) enter into a written agreement with the Department of Public Safety for providing  
2521 dispatch services that specifies:

2522 (i) the scope of the services that the public safety answering point will provide; and

2523 (ii) the rate that the public safety answering point will charge the Department of Public  
2524 Safety for dispatch services; and

2525 (b) submit a copy of the agreement to:

2526 (i) the director of the Utah Communications Authority; and

2527 (ii) the commissioner of the Department of Public Safety.

2528 (2) The Department of Public Safety shall, before providing dispatch services to a  
2529 public agency as a public safety answering point:

2530 (a) enter into a written agreement with the public agency for providing dispatch  
2531 services that specifies:

2532 (i) the scope of the services that the Department of Public Safety will provide; and

2533 (ii) the rate that the Department of Public Safety will charge the public agency for  
2534 dispatch services; and

2535 (b) submit a copy of the agreement to:

2536 (i) the director of the Utah Communications Authority; and

2537 (ii) the commissioner of the Department of Public Safety.

2538 Section 38. Section **69-2-203** is enacted to read:

2539 **69-2-203. Audit to assess emergency services -- County.**

2540 Before January 1, 2018, each county in the state that is not served by a single,

2541 consolidated public safety answering point shall conduct an audit to determine:

2542 (1) how best to provide emergency services within the county; and

2543 (2) whether the county could provide more cost efficient emergency service or improve

2544 public safety by establishing a single public safety answering point for the county.

2545 Section 39. Section **69-2-301** is enacted to read:

2546 **Part 3. Funding for 911 Emergency Service**

2547 **69-2-301. Public safety answering point -- 911 emergency service account --**

2548 **Permitted uses of funds.**

2549 (1) A public safety answering point shall maintain in a separate emergency

2550 telecommunications service fund any funds dispersed to the public safety answering point from

2551 the commission under Section [69-2-302](#), from proceeds of the 911 emergency services charge

2552 levied under Section [69-2-401](#).

2553 (2) A public safety answering point may expend the money in the emergency

2554 telecommunications service fund described in Subsection (1) to pay the costs of:

2555 (a) establishing, installing, maintaining, and operating a 911 emergency service system;

2556 (b) receiving and processing emergency communications from the 911 system or other

2557 communications or requests for emergency services;

2558 (c) integrating a 911 emergency service system into an established public safety

2559 answering point, including contracting with an access line provider or a vendor of appropriate

2560 terminal equipment as necessary to implement the 911 emergency services; or

2561 (d) indirect costs associated with the maintaining and operating of a 911 emergency

2562 services system.

2563 (3) A public safety answering point may expend revenue derived from the emergency

2564 telecommunications service fund described in Subsection (1) for personnel costs associated

2565 with receiving and processing communications and deploying emergency response resources.

2566 (4) Any unexpended funds at the end of a fiscal year in a public safety answering

2567 point's emergency telecommunications service fund described in Subsection (1) do not lapse.

2568 Section 40. Section **69-2-302** is enacted to read:

2569 **69-2-302. Distribution of 911 emergency service charge revenue.**

2570 (1) As used in this section:

2571 (a) "Proportion of total call volume" means the number of 911 emergency  
2572 communications that a public safety answering point receives in a year divided by the number  
2573 of total 911 emergency communications for the state for the year.

2574 (b) "Proportional distribution" means a the amount of a public safety answering point's  
2575 proportion of 911 emergency service charge revenue calculated under Subsection (3).

2576 (2) The commission shall transmit funds collected under Section [69-2-402](#) each month  
2577 to a public safety answering point as follows:

2578 (a) for fiscal years 2018 and 2019 only, an amount equal to the greater of:

2579 (i) the amount the of 911 emergency service charge revenue distributed to the public  
2580 safety answering point for the same month in fiscal year 2017; or

2581 (ii) the public safety answering point's proportional distribution for the month; and

2582 (b) for a fiscal year after fiscal year 2019, the public safety answering point's  
2583 proportional distribution for the month.

2584 (3) A public safety answering point's proportion of 911 emergency service charge  
2585 revenue is an amount equal to the total funds collected under Section [69-2-402](#) for the current  
2586 month multiplied by the average proportion of total call volume for the public safety answering  
2587 point over the three years previous to the current year.

2588 (4) (a) For the purpose of the calculation described in Subsection (3), the Utah  
2589 Communications Authority shall determine for each year:

2590 (i) the number of total 911 emergency communications for the state;

2591 (ii) the number of 911 emergency communications received by each public safety  
2592 answering point; and

2593 (iii) the average per year, over the last three years before the current year, of total 911  
2594 emergency communications for the state and 911 emergency communications received by each  
2595 public safety answering point in the state.

2596 (b) The Utah Communications Authority shall report the numbers described in  
2597 Subsection (4)(a) to the commission on or before January 15 of each year.

2598 Section 41. Section **69-2-303**, which is renumbered from Section 69-2-5.8 is

2599 renumbered and amended to read:

2600 ~~[69-2-5.8].~~ **69-2-303. State Tax Commission -- Redistribution of emergency**  
 2601 **service charges revenue.**

2602 (1) As used in this section:

2603 ~~[(a) "Commission" means the State Tax Commission.]~~

2604 ~~[(i)]~~ (a) "[~~Secondary~~] Alternate recipient [~~political subdivision~~] public safety answering  
 2605 point" means a [~~county, city, or town~~] public safety answering point that the commission  
 2606 determines should receive a redistribution.

2607 (b) "Eligible portion of qualifying telecommunications charge revenues" means the  
 2608 portion of qualifying telecommunications charge revenues that:

2609 (i) were part of an original distribution; and

2610 (ii) the commission determines should have been transmitted:

2611 (A) to [~~a secondary~~] an alternate recipient [~~political subdivision~~] public safety  
 2612 answering point; and

2613 (B) during the redistribution period.

2614 (c) "Original distribution" means that the commission:

2615 (i) collects an amount of qualifying telecommunications charge revenues; and

2616 (ii) transmits the amount of qualifying telecommunications charge revenues to an  
 2617 original recipient [~~political subdivision~~] public safety answering point.

2618 (d) "Original recipient [~~political subdivision~~] public safety answering point" means a  
 2619 [~~county, city, or town~~] public safety answering point to which the commission makes an  
 2620 original distribution.

2621 (e) "Qualifying telecommunications charge revenues" means revenues the commission  
 2622 collects from a charge under[:] Part 4, 911 Emergency Service Charges.

2623 ~~[(i) Section 69-2-5;]~~

2624 ~~[(ii) Section 69-2-5.5;]~~

2625 ~~[(iii) Section 69-2-5.6; or]~~

2626 ~~[(iv) Section 69-2-5.7.]~~

2627 (f) "Redistribution" means that the commission:

2628 (i) makes an original distribution of qualifying telecommunications charge revenues to  
 2629 an original recipient [~~political subdivision~~] public safety answering point;

2630 (ii) after the commission makes the original distribution of qualifying  
2631 telecommunications charge revenues to the original recipient [~~political subdivision~~] public  
2632 safety answering point, determines that an eligible portion of qualifying telecommunications  
2633 charge revenues should have been transmitted to [~~a secondary~~] an alternate recipient [~~political~~  
2634 ~~subdivision~~] public safety answering point as a result of:

2635 (A) a [~~county, city, or town~~] public safety answering point providing written notice to  
2636 the commission that qualifying telecommunications charge revenues that the commission  
2637 distributed to an original recipient [~~political subdivision~~] public safety answering point should  
2638 have been transmitted to [~~a secondary recipient political subdivision~~] an alternate recipient  
2639 public safety answering point; or

2640 (B) the commission finding that an extraordinary circumstance, as defined by rule  
2641 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, exists  
2642 that requires the commission to make a redistribution without receiving the notice described in  
2643 Subsection (1)(f)(ii)(A); and

2644 (iii) in accordance with this section, transmits to the [~~secondary~~] alternate recipient  
2645 [~~political subdivision~~] public safety answering point the eligible portion of qualifying  
2646 telecommunications charge revenues for the redistribution period.

2647 (g) "Redistribution determination date" means the date the commission determines that  
2648 [~~a secondary~~] an alternate recipient [~~political subdivision~~] public safety answering point should  
2649 have received a redistribution, regardless of the date the commission actually transmits the  
2650 redistribution to the [~~secondary~~] alternate recipient [~~political subdivision~~] public safety  
2651 answering point.

2652 (h) "Redistribution period" means the time period:

2653 (i) if the commission determines that an eligible portion of qualifying  
2654 telecommunications charge revenues should have been transmitted to [~~a secondary~~] an alternate  
2655 recipient [~~political subdivision~~] public safety answering point beginning on a date that is 90 or  
2656 more days before the redistribution determination date:

2657 (A) beginning 90 days before the redistribution determination date; and

2658 (B) ending on the redistribution determination date; or

2659 (ii) if the commission determines that an eligible portion of qualifying  
2660 telecommunications charge revenues should have been transmitted to [~~a secondary~~] an alternate

2661 recipient [~~political subdivision~~] public safety answering point beginning on a date that is less  
 2662 than 90 days before the redistribution determination date:

2663 (A) beginning on the date the eligible portion of qualifying telecommunications charge  
 2664 revenues should have been transmitted to the [~~secondary~~] alternate recipient [~~political~~  
 2665 ~~subdivision~~] public safety answering point; and

2666 (B) ending on the redistribution determination date.

2667 (2) Subject to Subsection (3), the commission may make a redistribution to [~~a~~  
 2668 ~~secondary~~] an alternate recipient [~~political subdivision~~] public safety answering point in an  
 2669 amount equal to the eligible portion of qualifying telecommunications charge revenues if:

2670 (a) the commission provides written notice to the following within 15 days after the  
 2671 commission determines to make the redistribution:

2672 (i) the original recipient [~~political subdivision~~] public safety answering point; and

2673 (ii) the [~~secondary~~] alternate recipient [~~political subdivision~~] public safety answering  
 2674 point; and

2675 (b) the commission obtains:

2676 (i) an amended return from each person that reports a transaction that will be subject to  
 2677 the redistribution; or

2678 (ii) if the commission determines that an amended return described in Subsection  
 2679 (2)(b)(i) is not required to make the redistribution, information:

2680 (A) supporting the redistribution; and

2681 (B) supplied by a person who collects [~~a~~] qualifying telecommunications charge  
 2682 revenues, a [~~county, city, or town~~] public safety answering point, or the commission.

2683 (3) The commission shall make a redistribution within 60 days after the requirements  
 2684 of Subsection (2) are met.

2685 (4) This section does not limit the commission's authority to make a distribution of  
 2686 revenues under this chapter for a time period other than the redistribution period.

2687 Section 42. Section **69-2-401** is enacted to read:

2688 **Part 4. 911 Emergency Service Charges**

2689 **69-2-401. State Tax Commission -- Administration of Emergency Service**  
 2690 **Charges.**

2691 (1) The commission shall collect, enforce, and administer the charges levied under this

2692 part using the same procedures used in the administration, collection, and enforcement of state  
2693 sales and use taxes under:

2694 (a) Title 59, Chapter 1, General Taxation Policies, and

2695 (b) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2696 (i) Section [59-12-104](#);

2697 (ii) Section [59-12-104.1](#);

2698 (iii) Section [59-12-104.2](#);

2699 (iv) Section [59-12-104.6](#);

2700 (v) Section [59-12-107.1](#); and

2701 (vi) Section [59-12-123](#).

2702 (2) The commission shall act on a provider that is delinquent in remitting a charge  
2703 levied under this part in accordance with Title 59, Chapter 1, Part 14, Assessment, Collections,  
2704 and Refunds Act.

2705 (3) The commission may determine by rule made in accordance with Title 63G,  
2706 Chapter 3, Utah Administrative Rulemaking Act, requirements and procedures for  
2707 administering, collecting, and enforcing the charges levied under this part.

2708 (4) The commission shall retain and deposit an administrative charge in accordance  
2709 with Section [59-1-306](#) from the funds that the commission collects from the charges levied  
2710 under this part.

2711 (5) The charges levied under this part are subject to Section [69-2-303](#).

2712 Section 43. Section **69-2-402** is enacted to read:

2713 **69-2-402. 911 emergency services charge -- Administrative charge.**

2714 (1) As used in this section, "911 emergency services charge" means the 911 emergency  
2715 services charge levied by the state under Subsection (2).

2716 (2) (a) Subject to Subsection (6), there is imposed on each access line in the state a 911  
2717 emergency services charge of 71 cents per month.

2718 (b) An access line is within the state for the purposes of Subsection (2)(a) if the  
2719 telecommunications services provided over the access line are located within the state:

2720 (i) for the purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use  
2721 Tax Act; and

2722 (ii) as determined in accordance with Section [59-12-215](#).

2723 (3) (a) Subject to Subsection (6), the person that provides service to an access line shall  
2724 bill and collect the 911 emergency services charge.

2725 (b) A person that bills and collects the 911 emergency services charge shall, except for  
2726 costs retained under Subsection (3)(g)(iii), remit the 911 emergency services charge to the  
2727 commission:

2728 (i) monthly on or before the last day of the month immediately following the last day of  
2729 the previous month if:

2730 (A) the person is required to file a sales and use tax return with the commission  
2731 monthly under Section 59-12-108; or

2732 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
2733 12, Sales and Use Tax Act; or

2734 (ii) quarterly on or before the last day of the month immediately following the last day  
2735 of the previous quarter if the person is required to file a sales and use tax return with the  
2736 commission quarterly under Section 59-12-107.

2737 (c) Except as provided in Subsections (3)(d) and (e), if an access line user is not  
2738 required to pay for the service, the access line provider shall collect the 911 emergency services  
2739 charge from the person that is required to pay for the access line.

2740 (d) The 911 emergency services charge is not imposed on a provider of a consumer of  
2741 federal wireless lifeline service if the consumer does not pay the provider for the service.

2742 (e) A consumer of federal wireless lifeline service shall pay, and the provider of the  
2743 service shall collect and remit, the 911 emergency services charge when the consumer  
2744 purchases from the provider optional services in addition to the federally funded lifeline  
2745 benefit.

2746 (f) The 911 emergency services charge is not imposed on an access line provided for  
2747 public pay telecommunications service.

2748 (g) The person that bills and collects the 911 emergency services charge:

2749 (i) shall remit the 911 emergency services charge along with a form prescribed by the  
2750 commission;

2751 (ii) may bill the 911 emergency services charge in combination with the charges levied  
2752 under Sections 69-2-403 and 69-2-404 as one line item charge for 911 emergency service; and

2753 (iii) may retain an amount not to exceed 1.5% of the 911 emergency services charge as

2754 reimbursement for the cost of billing, collecting, and remitting the 911 emergency services  
2755 charge.

2756 (4) The commission shall transmit the funds the commission collects from the 911  
2757 emergency services charge monthly to a public safety answering point in accordance with  
2758 Section [69-2-302](#).

2759 (5) An access line provider who fails to comply with this section is subject to penalties  
2760 and interest as provided in Sections [59-1-401](#) and [59-1-402](#).

2761 (6) The state may impose, bill, and collect the 911 emergency services charge on a  
2762 mobile telecommunications service only to the extent permitted by the Mobile  
2763 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2764 Section 44. Section **69-2-403**, which is renumbered from Section 69-2-5.6 is  
2765 renumbered and amended to read:

2766 **[69-2-5.6]. 69-2-403. Unified statewide 911 emergency service charge to fund**  
2767 **Unified Statewide 911 Emergency Service Account -- Administrative charge.**

2768 (1) As used in this section, "unified statewide 911 emergency service charge" means  
2769 the unified statewide 911 emergency service charge imposed under Subsection (2).

2770 [~~(1)~~] (2) (a) Subject to Subsection [~~69-2-5(3)(g)~~] (6), there is imposed on each access  
2771 line in the state a unified statewide 911 emergency service charge of 9 cents per month [~~on~~  
2772 each local exchange service switched access line and each revenue producing radio  
2773 communications access line that is subject to a 911 emergency services charge levied by a  
2774 county, city, town, or metro township under Section [69-2-5](#)].

2775 (b) An access line is within the state for the purposes of Subsection (2)(a) if the  
2776 telecommunications services provided over the access line are located within the state:

2777 (i) for the purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use  
2778 Tax Act; and

2779 (ii) as determined in accordance with Section [59-12-215](#).

2780 [~~(2)(a) A~~] (3) (a) The person that provides service to an access line shall bill and  
2781 collect the unified statewide 911 emergency [~~services~~] service charge [~~imposed under this~~  
2782 section shall be:].

2783 [~~(i)~~ subject to Subsection [69-2-5\(3\)\(g\)](#); and]

2784 [~~(ii)~~ billed and collected by the person that provides:]

2785 ~~[(A) local exchange service switched access line services;]~~

2786 ~~[(B) radio communications access line services; or]~~

2787 ~~[(C) service described in Subsection 69-2-5(3)(a)(i)(C).]~~

2788 (b) A person that ~~[pays a charge under this section]~~ bills and collects the unified  
 2789 statewide 911 emergency service charge shall pay the unified statewide 911 emergency service  
 2790 charge to the commission:

2791 (i) monthly on or before the last day of the month immediately following the last day of  
 2792 the previous month if:

2793 (A) the person is required to file a sales and use tax return with the commission  
 2794 monthly under Section 59-12-108; or

2795 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
 2796 12, Sales and Use Tax Act; or

2797 (ii) quarterly on or before the last day of the month immediately following the last day  
 2798 of the previous quarter if the person is required to file a sales and use tax return with the  
 2799 commission quarterly under Section 59-12-107.

2800 ~~[(c) A charge imposed under this section shall be deposited into the Unified Statewide~~  
 2801 ~~911 Emergency Service Account created by Section 63H-7a-304.]~~

2802 ~~[(d) If a subscriber of a service subject to a charge described in Subsection (1)]~~

2803 (c) If an access line user is not required to pay for the [service] access line, the access  
 2804 line provider ~~[of the service]~~ shall collect the unified statewide 911 emergency service charge  
 2805 from the person that is required to pay for the [service] access line.

2806 ~~[(3)]~~ (d) The person that bills and collects the ~~[charges levied by this section pursuant~~  
 2807 ~~to Subsections (2)(b) and (c) may]~~ unified statewide 911 emergency service charge:

2808 (i) shall remit the unified statewide 911 emergency service charge along with a form  
 2809 prescribed by the commission;

2810 ~~[(a)]~~ (ii) may bill the [charge imposed by this section] unified statewide 911 emergency  
 2811 service charge in combination with the [charge] charges levied under [Section 69-2-5] Sections  
 2812 69-2-402 and 69-2-404 as one line item charge for 911 emergency service; and

2813 ~~[(b)]~~ (iii) may retain an amount not to exceed 1.5% of the [charges] unified statewide  
 2814 911 emergency service charge collected under this section as reimbursement for the cost of  
 2815 billing, collecting, and remitting the [levy] unified statewide 911 emergency service charge.

2816 (4) The commission shall deposit any unified 911 emergency service charge remitted to  
2817 the commission into the Unified Statewide 911 Emergency Service Account created in Section  
2818 63H-7a-304.

2819 ~~[(4) The State Tax Commission shall collect, enforce, and administer the charges~~  
2820 ~~imposed under Subsection (1) using the same procedures used in the administration, collection,~~  
2821 ~~and enforcement of the emergency services telecommunications charge to fund the Computer~~  
2822 ~~Aided Dispatch Restricted Account under Section 63H-7a-303.]~~

2823 ~~[(5) Notwithstanding Section 63H-7a-304, the State Tax Commission shall retain and~~  
2824 ~~deposit an administrative charge in accordance with Section 59-1-306 from the revenues the~~  
2825 ~~State Tax Commission collects from a charge under this section.]~~

2826 ~~[(6) A charge under this section is subject to Section 69-2-5.8.]~~

2827 (5) An access line provider who fails to comply with this section is subject to penalties  
2828 and interest as provided in Sections 59-1-401 and 59-1-402.

2829 (6) The state may impose, bill, and collect an emergency services telecommunications  
2830 charge under this section on a mobile telecommunications service only to the extent permitted  
2831 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2832 (7) This section sunsets in accordance with Section 63I-1-269.

2833 Section 45. Section **69-2-404** is enacted to read:

2834 **69-2-404. Radio network charge to fund the Utah Statewide Radio System**  
2835 **Restricted Account -- Administrative charge.**

2836 (1) As used in this section, "radio network charge" means the radio network charge  
2837 imposed under Subsection (2).

2838 (2) (a) Subject to Subsection (6), there is imposed on each access line in the state a  
2839 radio network charge of:

2840 (i) On and after July 1, 2017, and before July 1, 2018, 18 cents per month; and

2841 (ii) on and after January 1, 2018, 38 cents per month.

2842 (b) An access line is within the state for the purposes of Subsection (2)(a) if the  
2843 telecommunications services provided over the access line are located within the state:

2844 (i) for the purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use  
2845 Tax Act; and

2846 (ii) as determined in accordance with Section 59-12-215.

2847 (3) (a) The person that provides service to an access line shall bill and collect the radio  
2848 network charge.

2849 (b) A person that bills and collects the radio network charge shall pay the radio  
2850 network charge to the commission:

2851 (i) monthly on or before the last day of the month immediately following the last day of  
2852 the previous month if:

2853 (A) the person is required to file a sales and use tax return with the commission  
2854 monthly under Section [59-12-108](#); or

2855 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
2856 12, Sales and Use Tax Act; or

2857 (ii) quarterly on or before the last day of the month immediately following the last day  
2858 of the previous quarter if the person is required to file a sales and use tax return with the  
2859 commission quarterly under Section [59-12-107](#).

2860 (c) If an access line user is not required to pay for the access line, the access line  
2861 provider shall collect the radio network charge from the person that is required to pay for the  
2862 access line.

2863 (d) The person that bills and collects a radio network charge:

2864 (i) shall remit the radio network charge along with a form prescribed by the  
2865 commission; and

2866 (ii) may bill the radio network charge in combination with the charges levied under  
2867 Sections [69-2-402](#) and [69-2-403](#) as a one line item charge for 911 emergency service.

2868 (4) The commission shall deposit any radio network charge remitted to the commission  
2869 into the Utah Statewide Radio System Restricted Account created in Section [63H-7a-403](#).

2870 (5) An access line provider who fails to comply with this section is subject to penalties  
2871 and interest as provided in Sections [59-1-401](#) and [59-1-402](#).

2872 (6) The state may impose, bill, and collect the radio network charge under this section  
2873 on a mobile telecommunications service only to the extent permitted by the Mobile  
2874 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2875 Section 46. Section **69-2-405**, which is renumbered from Section 69-2-5.7 is  
2876 renumbered and amended to read:

2877 **[69-2-5.7]. 69-2-405. Prepaid wireless 911 service charge to fund 911**

2878 **emergency service -- Administrative charge.**

2879 (1) As used in this section:

2880 (a) "Consumer" means a person who purchases prepaid wireless telecommunications  
2881 service in a transaction.

2882 (b) "Prepaid wireless 911 service charge" means the charge that is required to be  
2883 collected by a seller from a consumer in the amount established under Subsection (2).

2884 (c) (i) "Prepaid wireless telecommunications service" means a wireless  
2885 telecommunications service that:

2886 (A) is paid for in advance;

2887 (B) is sold in predetermined units of time or dollars that decline with use in a known  
2888 amount or provides unlimited use of the service for a fixed amount or time; and

2889 (C) allows a caller to access 911 emergency service.

2890 (ii) "Prepaid wireless telecommunications service" does not include a wireless  
2891 telecommunications service that is billed:

2892 (A) to a customer on a recurring basis; and

2893 (B) in a manner that includes the [~~emergency services telecommunications~~] charges[;  
2894 ~~described~~] levied under in Sections [~~69-2-5, 69-2-5.5, and 69-2-5.6~~] 69-2-402, 69-2-403, and  
2895 69-2-404, for each radio communication access line assigned to the customer.

2896 (d) "Seller" means a person that sells prepaid wireless telecommunications service to a  
2897 consumer.

2898 (e) "Transaction" means each purchase of prepaid wireless telecommunications service  
2899 from a seller.

2900 (f) "Wireless telecommunications service" means commercial mobile radio service as  
2901 defined by 47 C.F.R. Sec. 20.3, as amended.

2902 (2) There is imposed a prepaid wireless 911 service charge of [~~1.9%~~]:

2903 (i) before January 1, 2018, 2.45% of the sales price per transaction; and

2904 (ii) on and after January 1, 2018, 3% of the sales price per transaction.

2905 (3) (a) The prepaid wireless 911 service charge shall be collected by the seller from the  
2906 consumer for each transaction occurring in this state.

2907 (b) (i) Except as provided in Subsections (3)(b)(ii) and (iii), if a user of a service  
2908 subject to a charge described in Subsection (2) is not the consumer, the seller shall collect the

2909 charge from the consumer for the service.

2910 (ii) The charge described in Subsection (2) is not imposed on a seller or a consumer of  
2911 federal wireless lifeline service if the consumer does not pay the seller for the service.

2912 (iii) A consumer of federal wireless lifeline service shall pay, and the seller of the  
2913 service shall collect and remit, the charge described in Subsection (2) when the consumer  
2914 purchases from the seller optional services in addition to the federally funded lifeline benefit.

2915 (4) The prepaid wireless 911 service charge shall be separately stated on an invoice,  
2916 receipt, or similar document that is provided by the seller to the consumer.

2917 (5) For purposes of Subsection (3), the location of a transaction is determined in  
2918 accordance with Sections 59-12-211 through 59-12-215.

2919 (6) When prepaid wireless telecommunications service is sold with one or more other  
2920 products or services for a single non-itemized price, then the percentage specified in Section  
2921 (2) shall apply to the entire non-itemized price.

2922 (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by  
2923 the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the  
2924 charge.

2925 (8) Prepaid wireless 911 service charges collected by a seller, except as retained under  
2926 Subsection (7), shall be remitted to the [~~State Tax Commission~~] commission at the same time  
2927 as the seller remits to the [~~State Tax Commission~~] commission money collected by the person  
2928 under Title 59, Chapter 12, Sales and Use Tax Act.

2929 [~~(9) The State Tax Commission;~~]

2930 [~~(a) shall collect, enforce, and administer the charge imposed under this section using~~  
2931 ~~the same procedures used in the administration, collection, and enforcement of the state sales~~  
2932 ~~and use taxes under:]~~

2933 [~~(i) Title 59, Chapter 1, General Taxation Policies; and]~~

2934 [~~(ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:]~~

2935 [~~(A) Section 59-12-104;]~~

2936 [~~(B) Section 59-12-104.1;]~~

2937 [~~(C) Section 59-12-104.2;]~~

2938 [~~(D) Section 59-12-107.1; and]~~

2939 [~~(E) Section 59-12-123;]~~

2940 ~~[(b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected~~  
2941 ~~under Subsection (9)(a) as reimbursement for administering this section;]~~

2942 ~~[(c) shall distribute the prepaid wireless 911 service charge revenue, except as retained~~  
2943 ~~under Subsection (9)(b), as follows:]~~

2944 ~~[(i) 80.3% of the revenue shall be distributed to each county, city, town, or metro~~  
2945 ~~township in the same percentages and in the same manner as the entities receive money to fund~~  
2946 ~~911 emergency telecommunications services under Section [69-2-5](#);~~]

2947 ~~[(ii) 7.9% of the revenue shall be distributed to fund the Computer Aided Dispatch~~  
2948 ~~Restricted Account created in Section [63H-7a-303](#);~~]

2949 ~~[(iii) 11.8% of the revenue shall be distributed to fund the unified statewide 911~~  
2950 ~~emergency service as in Section [69-2-5.6](#); and]~~

2951 ~~[(d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative~~  
2952 ~~Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.]~~

2953 ~~[(10) A charge under this section is subject to Section [69-2-5.8](#).]~~

2954 (9) The commission shall distribute:

2955 (a) on and after July 1, 2017, and before January 1, 2018:

2956 (i) 72.4% of the prepaid wireless 911 service charge revenue to a public safety  
2957 answering point in accordance with Section [69-2-302](#);

2958 (ii) 9.2% of the prepaid wireless 911 service charge revenue to the Unified Statewide  
2959 911 Emergency Service Account created in Section [63H-7a-304](#); and

2960 (iii) 18.4% of the revenue to the Utah Statewide Radio System Restricted Account; and

2961 (b) on and after January 1, 2018:

2962 (i) 60.2% of the prepaid wireless 911 service charge revenue to a public safety  
2963 answering point in accordance with Section [69-2-302](#);

2964 (ii) 7.6% of the prepaid wireless 911 service charge revenue to the Unified Statewide  
2965 911 Emergency Service Account created in Section [63H-7a-304](#); and

2966 (iii) 32.2% of the revenue to the Utah Statewide Radio System Restricted Account.

2967 Section 47. Section **69-2-501**, which is renumbered from Section 69-2-6 is renumbered  
2968 and amended to read:

2969 **Part 5. Liability and Immunity**

2970 **~~[69-2-6].~~ 69-2-501. Jurisdiction and employee immunity.**

2971 (1) In implementing [a] 911 emergency [~~telephone~~] service, [~~the~~] any public agency  
2972 and public safety [~~agencies and their employees~~] agency shall cooperate in establishing [~~the~~  
2973 service and in its day-to-day provision] and providing 911 emergency service.

2974 (2) Any employee of any public safety agency which is a participant in [a] 911  
2975 emergency [~~telephone~~] service may respond and take any action to any call whether within or  
2976 without the authorized territorial jurisdiction of the public safety agency.

2977 (3) In response to [~~emergency calls, employees of public safety agencies~~] an emergency  
2978 communication, an employee of a public safety agency shall have the same immunity for any  
2979 acts performed in the line of duty outside [~~their~~] the public safety agency's authorized  
2980 [~~jurisdictions as they enjoy within their authorized jurisdictions~~] jurisdiction as the public  
2981 safety agency employee has within the public safety agency's authorized jurisdiction.

2982 (4) No cause of action is created by any incorrect dispatch or response by any system or  
2983 any public safety agency or by reason of elapsed response time.

2984 Section 48. Section **69-2-502**, which is renumbered from Section 69-2-7 is renumbered  
2985 and amended to read:

2986 [~~69-2-7~~]. **69-2-502. Limitation of duties and liabilities.**

2987 Except as provided in Section [~~69-2-8~~] 69-2-503, nothing contained in this chapter  
2988 imposes any duties or liabilities beyond those otherwise specified by law upon any provider of  
2989 local exchange service, radio communications service, voice over Internet protocol service, or  
2990 terminal equipment needed to implement 911 emergency [~~telephone~~] service and the Utah  
2991 statewide radio system and public safety communication network, created in Title 63H,  
2992 Chapter 7a, Utah Communications Authority Act.

2993 Section 49. Section **69-2-503**, which is renumbered from Section 69-2-8 is renumbered  
2994 and amended to read:

2995 [~~69-2-8~~]. **69-2-503. Liabilities of providers.**

2996 (1) A provider of local exchange service, radio communications service, or voice over  
2997 Internet protocol service may by tariff or agreement with a customer provide for the customer's  
2998 release of any claim, suit, or demand against the provider based upon a disclosure or a  
2999 nondisclosure of an unlisted or nonpublished telephone number and address, and the related  
3000 address, if a call for any 911 emergency [~~telephone~~] service is made from the customer's  
3001 telephone.

3002 (2) A provider of local exchange service, radio communications service, voice over  
3003 Internet protocol service, or telephone terminal equipment needed to implement or enhance 911  
3004 emergency [~~telephone~~] service, and their employees and agents, are not liable for any damages  
3005 in a civil action for injuries, death, or loss to person or property incurred as a result of any act  
3006 or omission of the provider, employee, or agent, in connection with developing, adopting,  
3007 implementing, maintaining, enhancing, or operating a 911 emergency [~~telephone~~] service,  
3008 except for damages or injury intentionally caused by or resulting from gross negligence of the  
3009 provider or person.

3010 Section 50. **Repealer.**

3011 This bill repeals:

3012 Section **63H-7a-305, 911 Division expenses -- Responsibilities.**

3013 Section **63H-7a-306, 911 Division to report annually.**

3014 Section **63H-7a-307, 911 Advisory Committee -- Membership -- Duties.**

3015 Section **63H-7a-405, Radio network advisory committees.**

3016 Section **63H-7a-504, Interoperability advisory committees.**

3017 Section **63H-7a-700, Title.**

3018 Section **63H-7a-702, Bonds to be authorized by resolution -- Form -- Sale --**

3019 **Negotiability -- Validity presumed.**

3020 Section **63H-7a-703, Bonds and other obligations -- Additional powers of the**  
3021 **authority.**

3022 Section **63H-7a-704, Reserve funds for debt service.**

3023 Section **63H-7a-705, Investment of the authority funds.**

3024 Section **63H-7a-706, Publication of notice, resolution, or other proceeding -- Period**  
3025 **for contesting.**

3026 Section **69-2-4, Administration.**

3027 Section **69-2-5, Funding for 911 emergency service -- Administrative charge.**

3028 Section **69-2-5.5, Emergency services telecommunications charge to fund the**

3029 **Computer Aided Dispatch Restricted Account -- Administrative charge.**

3030 Section 51. **Effective date.**

3031 This bill takes effect on July 1, 2017.